

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55107 of 2023

Arising Out of PS. Case No.-4897 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Abhinav Ullas Son Of Late Krishna Bihari Singh Resident Of Village-
Manmohan Apartment, Flat No. 404, Aakashvani Road, Khajpura, Ps- Shastri
Nagar, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Gautam Daughter Of Bipin Kumar Singh Resident Of Village- Rajiv
Nagar, Road No. 14a, PS- Rajiv Nagar, Distt- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No. 4897(c) of 2017 filed

for the offences punishable under Section 498A of the Indian

Penal Code and Sections 4 of the Dowry Prohibition Act.

3. As per the complaint petition, the

petitioner/husband has committed cruelty due to non-fulfillment

of illegal demand of dowry.

4. The learned counsel for the petitioner submits that

the petitioner is innocent and he has falsely been implicated in

this case. He further submits that unfortunately marriage is not



working and matrimonial discord has developed between the parties. Consequently, the petitioner/husband filed divorce petition on 01.06.2017 and subsequently the present false complaint case has been filed on 16.11.2017 by the complainant/wife. He further submits that there is no allegation of any violence to the complainant. The allegation against the petitioner is general and omnibus. The complainant has given criminal colour to the matrimonial dispute in order to harass the petitioner. He also submits that the complainant/wife is highly educated and she is misusing the process of the Court

5. Ld. counsel for the complainant submits that the petitioner/husband is not interested in settlement of the dispute and he is not attending the Court even after the order to this effect by Ld. Court below and he is not coming for reconciliation, whereas the complainant/wife is ready for settlement and even in divorce petition, the petitioner is not appearing.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

7. It has further been stated that the petitioner has no criminal antecedent.



8. Considering the submissions advanced on behalf of the parties, this Court is of the considered opinion that as far as conciliation and settlement of matrimonial dispute is concerned, the parties are already before the Family Court and the Family Court has statutory mandatory duty to conduct reconciliation proceeding between the parties for settlement. As far as this bail proceeding is concerned, this Court finds that allegation against the petitioner is general and omnibus and, *prima facie*, it appears that there is matrimonial dispute between the parties.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Complaint Case No. 4897(c) of 2017 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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