

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59250 of 2022**

Arising Out of PS. Case No.-553 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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1. AMIT KUMAR Son of Late Satish Kumar @ Satish Prasad R/o R 29, Lane No.- 3, Bela Road, Ward No.- 48, Bankers Colony, P.S.- Mithanpura, District - Muzaffarpur.
  2. Manorma Devi @ Manoram Srivastava Wife of Late Satish Kumar @ Satish Prasad R/O Swami Vivekanand Nagar, Ward No.- 28, Near Clinic of Dr. Madan Mohan Thakur, Chakmahila, P.S.- Town, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Sanjay Parasmani, Advocate    |
| For the Opposite Party/s : | Mr. Tapeswar Sharma, APP          |
| For the Complainant :      | Mr. Uday Prakash Sharma, Advocate |
|                            | Mr. Harsh Kaushal, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

6      03-07-2023                      Heard learned counsel for the petitioners, learned counsel for the complainant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 323, 504 and 506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

The petitioner no.1 and the complainant, in compliance of the order dated 26.06.2023, are physically present before this Court.

Learned counsel for the petitioners submits that



petitioner no.1 being husband has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that the complainant very few days after the marriage left her matrimonial home and while leaving the matrimonial home, she even sent a long message on WhatsApp of the petitioner no.1 and from perusal of the same it would manifest that the same does not even remotely reflect that the complainant had left her matrimonial home as she was being tortured for dowry and car, as has been alleged in the FIR. It is submitted that the alleged message which was sent by the complainant on the WhatsApp of the petitioner no.1 was prior to the institution of the present FIR as such it is submitted that the allegations as alleged in the FIR are by way of afterthought.

Learned counsel for the petitioners further submits that the petitioner no.1 and the complainant were having a dispute as the petitioner no.1 desisted the complainant from visiting her sister and her sister's husband to which the complainant was not ready, it is further submitted that from perusal of the WhatsApp messages of the complainant with the



petitioner no.1 it would amply demonstrate that the complainant does not even remotely suggest that she left her matrimonial home on account of torture being meted out to her for non-fulfillment of dowry demand, as has been alleged in the FIR. Learned counsel submits that petitioner no.1 is a Manager working with FCI and the complainant is working as Assistant Manager with Uttar Bihar Gramin Bank. It is further submitted that effort should always be to resolve the dispute amicably.

Learned A.P.P. for the State and the learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioners.

On query of the Court from the complainant that as to whether she intends to resolve the dispute and wants to accompany the petitioner, on which she flatly refused.

Since both petitioner no.1 and complainant are government servants and in the nature of allegations and after perusing WhatsApp chats of the petitioner no.1 and the complainant, the Court feels persuaded to grant privilege of anticipatory bail to the petitioners.

The petitioner no.1 who is present in the Court at this stage submits that he is willing to give a maintenance amount of Rs. 10,000/- by way of monthly maintenance to the complainant



on which the complainant does not dispute.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 553 of 2021 Trial No. 3080 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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