

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68804 of 2023

Arising Out of PS. Case No.-822 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Krishna Vallabh Narayan @ Krishna Ballabh Narayan, Son of Ajab Dayal Lal, Resident of Mohalla- Lalit Nagar Colony, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari, W/o Krishna Vallabh Narayan, D/o Ajit Kumar, Presently Residing of Mohalla- Anand Nagar, P.S.- Ara Nagar, District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Bhaskar Shankar, learned counsel

appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner, who happens to be the husband of the opposite party no. 2, apprehends his arrest in connection with Complaint Case No. 822(C) of 2022, wherein cognizance has been taken under Sections 498(A)/34 of the Indian Penal Code.

3. The marriage of the petitioner was solemnized with the opposite party no. 2 on 10.06.2019. It is alleged that soon after the marriage, the opposite party no. 2 was subjected to demand of dowry and on account of non-fulfillment of the



same, she was tortured in various ways and finally ousted from her matrimonial home. It is also alleged that earlier also she was subjected to torture, but the parties have entered into a compromise, now again similar incident of assault and torture took place, which resulted into lodging of the present complaint.

4. It is submitted on behalf of the petitioner that in fact the opposite party no. 2 voluntarily left the house of the petitioner, due to which the petitioner had filed Matrimonial Case No. 60 of 2021 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. However, on receipt of notice, she came her matrimonial home and started living with the petitioner but only for 40-45 days and again she left her matrimonial house. In the aforesaid background, the petitioner left with no option, filed Divorce Case No. 76 of 2022 under Section 13(1)(aa) of the Hindu Marriage Act on the ground of desertion.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to filing of the present complaint, the petitioner had filed Divorce Case No. 76 of 2022, which is pending before the Principal Judge,



Family Court, Begusarai, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 822(C) of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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