

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74677 of 2022

Arising Out of PS. Case No.-1373 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Ritesh Kumar Kushwaha S/o Inda Prasad Kushwaha R/o Village- Bhathwa
Prashuram, P.S.- Kuchaikote, Distt- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari W/o Ritesh Kumar Kushwaha R/o Village- Bhathwa
Prashuram, P.S.- Kuchaikote, Distt- Gopalganj. At present D/o Birendra
Prasad, R/o Village- Balwan Raimal, P.S.- Vishambharpur, Distt- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his
arrest in connection with Trial No. 1891 of 2021 arising out of
Complaint Case No. 1373 of 2020 registered on 02.11.2020 for
the alleged offences under Section 498(A) of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, petitioner is the husband
of the complainant and allegation against him is of torture and
cruelty on account of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case along with all his family members. The petitioner is an unemployed poor man and he earns his livelihood working as an agricultural labourer. For this reason, the complainant remains unsatisfied with the petitioner and she does not like to live with him. The petitioner is still ready to keep the complainant, but she is not ready to live with him. The allegation of demand of dowry or torture is completely false and fabricated and it is not believable. Learned counsel further submits that the complainant may be put to notice and the matter may be referred for mediation, if she appears before this Court.

5. Learned APP opposes the prayer for anticipatory bail submitting that allegation against the petitioner is of torture and cruelty on account of demand of dowry. From the rejection order of the learned Sessions Judge, Gopalganj, it appears that both the petitioner and complainant appeared before the learned Sessions Judge, but the complainant refused to go to her matrimonial home due to severe torture.

6. Under such circumstances, I am not inclined to issue notice to the complainant. Further, in view of nature of allegation, I do not think it is a fit case for grant of anticipatory bail.



7. Hence, the prayer for anticipatory bail of petitioner is rejected. However, if the petitioner surrenders before the learned court below, his prayer for bail would be disposed of expeditiously on its own merit, preferably on the same day when the petition is filed and without being prejudiced by this order.

(Arun Kumar Jha, J)

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