

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16869 of 2024

Arising Out of PS. Case No.-640 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Suraj Kumar, Male, aged about 45 yers, son of Subodh Thakur, resident of Jayprakash Nagar, Ward No. 22, P.S.- Khagaria, Distt.- Khagaria, Bihar- 851204.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivani Kumari, W/O Suraj Kumar, D/O Suman Kumar, R/O Jayprakash Nagar Ward No. 22, P.S- Khagaria, Distt.- Khagaria, Bihar- 851204, Presently residing at Village- Balbhadrapur Dudhpura, Ward No. 03, Samastipur, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nitin Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP
For the OP NO.2	:	Mr. Balram Kapri, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the OP No.2.

2. The petitioner apprehends arrest in connection with Complaint Case No.640 of 2023 dated 19.04.2023, instituted under Sections 498-A of the Indian Penal Code.

3. The allegation against the petitioner, who is the husband of the opposite party no.2, is that he along with his other family members tortured the complainant due to non-fulfillment of demand of dowry and lastly, she was ousted from



the matrimonial home.

4. Vide order dated 14.03.2024, the matter was referred for mediation to Patna High Court Mediation & Conciliation Centre, but the same has failed. The Mediator has submitted his report that despite best effort the dispute could not be resolved through the process of mediation.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that there is no allegation of assault against the petitioner, rather, the allegation of assault is against the sister and mother of the petitioner. Learned counsel further submits that the opposite party no. 2 is the patient of epilepsy. The medical report of the opposite party no.2 has also been filed by way of supplementary affidavit. Learned counsel further submitted that even after knowing the mental conditions of the OP No.2, the petitioner always tried to take care of her and took her to various doctors, who have also recorded about the mental status of the opposite party no. 2. The petitioner has also filed a case under Section 5 of the Hindu Marriage Act. Petitioner is a Bio-Chemical Engineer working on contract basis having clean antecedents.

6. Learned APP as well as learned counsel for the OP



No.2 has opposed the prayer for bail. Learned counsel for the OP No.2 submits that though the matter was referred for mediation but dispute could not be resolved as the petitioner is not interested in resolving the dispute and restoring normal matrimonial life.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties coupled with the fact that the petitioner is not ready to keep his wife with him, I am not inclined to extend the benefit of anticipatory bail to the petitioner.

8. Accordingly, prayer of the petitioner for grant of anticipatory bail is rejected.

9. The application stands dismissed.

10. Interim order dated 14.03.2024 is hereby vacated.

(Khatim Reza, J)

J. Alam/-

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