

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22359 of 2023

Arising Out of PS. Case No.-543 Year-2021 Thana- COMPLAINT CASE District- Supaul

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MUKESH KUMAR PAL SON OF SHIV NARAYAN PAL R/O VILLAGE-
KAJAH, WARD NO.11, P.S. AND DISTRICT- SUPAUL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KALPANA KUMARI PAL @ KALPANA DEVI PAL WIFE OF MUKESH KUMAR PAL, D/O DAYANAND PAL R/O VILLAGE- KAJAH, WARD NO.11, P.S. AND DISTRICT- SUPAUL AT PRESENT RESIDING OF VILLAGE- DEWANGANJ, P.S.- DEWNAGAJ, DISTRICT- SUNSARI (NEPAL)

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Patla Kumari, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP
For Opposite Party No. 2:	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 341, 342, 323, 498/A, 354, 420, 379, 504, 509, 120B and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the complaint case, the complainant got married to this petitioner in the year 2015 according to Hindu rituals but after some time, all the accused persons started demanding dowry and due to non-fulfillment of the demand, all the named accused persons, including this petitioner, tortured



and harassed the complainant. It is further alleged that on 03.09.2021, while the complainant was in her room, all the accused persons came inside the room and brought the complainant outside and thereafter, co-accused Sunita Devi and Munni Devi started assaulted the complainant with danda and co-accused Shankar Pal and Urmila Devi took out all the jewelry of the complainant and ousted her from the house.

4. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. There is no allegation of assault against him. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is



allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Supaul, in connection with Complaint Case No. 543C of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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