

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35046 of 2024

Arising Out of PS. Case No.-1112 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Om Prakash Kumar Son of Late Jagdish Singh R/O Village Yashoda Math,
P.S.- Kanti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/O Om Prakash Kumar, D/O Siyaram Kumar Present R/O
Vill.- Kamalpura, P.S.- Paroo, Dist.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-11-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 494 and
498(A) of the Indian Penal Code as well as Sections 3 and 4 of
the Dowry Prohibition Act.

3. The opposite party no. 2, in compliance of the
order dated 20.11.2024, is present in the Court.

4. Learned counsel for the petitioner submits that
petitioner could not appear in the Court for the reason that he is
sick on which learned counsel appearing on behalf of the
opposite party no. 2 submits that it is only a ploy of the



petitioner to evade the Court or else he would have filed an exemption application which is not on record.

5. The opposite party no. 2, who is present in the Court, submits that she was married to the petitioner in the year 2016 and after marriage, the accused persons including the petitioner started demanding dowry of Rs.5 lakhs and a Wgon R car from her parents and on non-fulfillment of the demand, she was tortured and assaulted. However, the father of the opposite party no. 2 managed and gave Rs.3 lakhs to the petitioner and her mother-in-law as gift. The opposite party no. 2 next submits that though the amount was given by way of gift but it was only on account of torture being meted out to her by the petitioner and other accused persons that her father had no option but to accede to their demand to save the opposite party no. 2 from torture. It is further submitted that since the demand of the petitioner was not fulfilled in totality, as such, the opposite party no. 2 was ousted from her matrimonial home in the year, 2022. It is next submitted that after opposite party no. 2 was ousted from her matrimonial home she started staying at her parental home but in absence of any financial support from the petitioner. Further, the opposite party no. 2 was constrained to approach the learned DV Court as she was facing financial



hardship and the learned DV Court directed the petitioner to pay a monthly maintenance of Rs.9,000/- (nine thousand) to her on which learned counsel appearing on behalf of the petitioner submits that the said order of the DV Court is under challenge on the ground that the order was passed ex parte.

6. The opposite party no. 2 further submits that petitioner runs a business of providing security guard and thus earns handsomely but then does not care about her well being and he has performed his second marriage and from the second marriage, a child has also been born. It is, thus, submitted that this perhaps explains why the petitioner is evading the Court.

7. Learned counsel appearing on behalf of the petitioner submits that petitioner is still willing to keep the opposite party no. 2 with honour and dignity on which the opposite party no. 2 submits that since petitioner has already performed his second marriage, as such, she does not intend to revive her conjugal relationship with him. It is also submitted that the bona fides of the petitioner would have been established had he taken care of the opposite party no. 2 despite performing his second marriage but then neither he is paying any maintenance nor is willing to leave his second wife.

8. After hearing the learned counsel for the petitioner



and learned counsel for the opposite party no. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Trial No. 3851 of 2023 arising out of Complaint Case No. 1112 of 2022 pending in the Court of learned Sub-Divisional Judicial Magistrate, (West), Muzaffarpur/Successor Court.

9. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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