

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44802 of 2024

Arising Out of PS. Case No.-149 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Seemant Kumar S/o Mohan Lal Vishwakarma R/o Qr. No.-E-39/2, sector-2,
Near Panchmukhi Hanuman Temple, HEC Colony, P.O and P.s.-Dhurwa,
District-Ranchi,Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Sharma W/o Vijay Kumar Sharma R/o Bhinnak Chouraha, P.S.-
Khajekalan, Patnacity, District-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

Ms. Usha Kumari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-10-2024 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the complainant.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 498(A) of the IPC and Section 4 of the Dowry

Prohibition Act in connection with Complaint Petition No.149

of 2018.

3. The learned counsel appearing on behalf of the

complainant submits that the marriage of the petitioner with the

daughter of O.P. No.2 was performed on 06.12.2014, but after

marriage the relationship started deteriorating, it is next



submitted that both petitioner and his wife had their own stories to tell, but then the wife of the petitioner filed Matrimonial Case No.553 of 2018 in the court of learned Principal Judge, Family Court, Patna seeking divorce from the petitioner and the said Matrimonial Case No.553 of 2018 was allowed by a judgment dated 03.08.2019 (Annexure-2).

4. The learned counsel for the petitioner submits that it was wife of the petitioner who had moved the court of learned Principal Judge, Family Court, Patna seeking divorce from the petitioner and the prayer of the wife of the petitioner was allowed though petitioner had not appeared in the said case, but then petitioner does not intend to challenge the order dated 03.08.2019 nor the decree dated 19.08.2019. It is further submitted that mother of the wife of the petitioner has instituted the instant complaint case who is O.P. No.2 in the present anticipatory bail application. It is next submitted that the case has been instituted only to harass the petitioner.

5. The learned APP and the learned counsel appearing on behalf of the O.P. No.2 are opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that wife of the petitioner has obtained divorce as



recorded herein above.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna City, Patna in connection with Complaint Petition No.149 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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