

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38401 of 2023

Arising Out of PS. Case No.-3763 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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SUMIT KUMAR S/O DR. TRIPURARI CHARAN R/O Mohalla- West
Lohanipur, P.S- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dr. Amrita Rashmi D/O Dr. Ashok Kumar R/O Gorla Sthan, Dhanaut,
Mahuabagh Purvi Bhag, P.O- Phulwari Sharif, P.S- Rupaspur, Distt.- Patna.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirvan Choudhuri, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP
Mr. Binod Prasad Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 02-04-2024 1. Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel appearing on
behalf of the O.P. No.2.
2. The learned counsel for the parties jointly
submitted that the case was referred for mediation but then the
mediation failed.
3. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
complainant. It is next submitted that after marriage
complainant stayed with the petitioner only for 10-15 days and
in those 10-15 it is being alleged that she was being tortured for
non-fulfillment of dowry demand of Rs.15,00,000/-. It is further
submitted that from perusal of the allegation as alleged in the



FIR, it would manifest that the allegation is also general and omnibus in nature as the entire family members have been implicated and the complaint petition runs in six pages and from perusal of the same it appears that an effort has been made to make out a prima facie case. It is further submitted that petitioner is working with Jeevika on contract basis and presently is posted at Banka and has been assigned with election duty. It is next submitted that O.P. No.2 is a doctor and is posted at NMCH, as such she is in a better position than the petitioner financially.

4. The learned counsel further submits that though there is allegation in the complaint petition that some amounts were given by the family of the O.P. No.2 to the parent of the petitioner but then the same is in realm of allegation. It is specifically asserted and submitted that no such amount as detailed in para-3 of the complaint petition was ever given to the parents of the petitioner.

5. The learned APP along with learned counsel appearing on behalf of the O.P. No.2 opposes the anticipatory bail application filed on behalf of the petitioner and submits that petitioner along with his family members tortured the O.P. No.2 for non-fulfillment of the demand of Rs.15,00,000/-, but then is



not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the allegation with regard to demand is not specific rather is general and omnibus in nature and have also not been able to rebut the submission nor is in a position to satisfy the Court that by what means an amount of Rs.21,00,000/- was given to the parents of the petitioner as detailed in para-3 of the complaint.

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 Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No.3763 of 2022, 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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