

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65316 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- COMPLAINT CASE District- Supaul

BIBHESH KUMAR @ VIBHESH KUMAR S/O MAHENDRA MUKHIYA
RESIDENT OF VILLAGE- KORIAPATTI, WARD NO.-10, P.S- JADIA,
DISTT.- SUPAUL.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABLI KUMARI W/O BIBHESH KUMAR @ VIBHESH KUMAR, D/O
UMESH MUKHIYA R/O VILLAGE- MANGANJ PURVA, WARD NO. 02,
P.S- JADIA, DISTT.- SUPAUL.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun
For the Opposite Party/s	:	Mr. Anil Prasad Singh
For the O.P. No. 2	:	Mr. Murari Narain Chaudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 03-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 357C of 2022 registered for the
offences punishable under Sections 498A, 341, 323/34 and 494
of the Indian Penal Code read with Sections 3 and 4 of the
Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the complainant. It is further submitted that



petitioner is always willing to keep the O.P. No. 2 with honour and dignity along with the children, but then for reasons best known, the O.P. No. 2 never intends to join the petitioner as wife.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that one can well imagine the plight of the O.P. No. 2 that how she is sustaining herself along with two children in absence of any financial support from the petitioner since 18.04.2022. It is also submitted that though a submission has been made that petitioner intends to keep the O.P. No. 2 with honour and dignity, but then it is submitted that if the petitioner really intended to keep the O.P. No. 2 and the children with honour and dignity, he would have given some financial support at least for the children, but then the financial support never came, but since his anticipatory bail is being taken up for consideration, as such, a bald plea has been raised that petitioner is always willing to keep the O.P. No. 2 with honour and dignity. It is also submitted that petitioner is a contract labourers, he provides labourers to different States and earns commission, but then is not willing to maintain the O.P. No. 2 and the children. It is also submitted that for bare minimum survival, at least Rs. 5,000/- is required per month for survival of the O.P. No. 2 and



her two children, on which the learned counsel appearing on behalf of the petitioner submits that petitioner is not in a position to pay maintenance of Rs. 5,000/- per month to the O.P. No. 2 and the children.

6. Considering the submissions made by the learned counsel for the petitioner, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application is rejected.

(Satyavrat Verma, J)

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