

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75727 of 2023

Arising Out of PS. Case No.-2014 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

KISLAY KUMAR SON OF PANKAJ KUMAR MANDAL R/O VILLAGE-
MALHARIYA, P.S.- FALKA (POTHIA), DISTRICT- KATIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SONAM KUMARI D/O BIPIN KUMAR MANDAL PRESENT R/O-
CHAKLAMAULA NAGAR, P.S.- FALKA (POTHIA), DISTRICT-
KATIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Mandal, Advocate
For the Opposite Party/s	:	Ms.Asha Kumari, APP
For O.P. no. 2	:	Mr. Sanjeev Kumar Singh, Advocate
	:	Ms. Neha Rani, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 05-03-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of complaint case no. 214 of 2022, disclosing offences
punishable under Section 498A of the Indian Penal Code and
Section 3/4 of Dowry Prohibition Act.
3. The prosecution story, as per the allegation made in
the complaint, is that the marriage of the petitioner was
performed with the complainant on 10.07.2021 as per Hindu
rites and rituals. It has been alleged that after marriage, the
accused persons along with the petitioner started demanding



Rs. 5 lacs as dowry and due to non-fulfilment of the demand, the petitioner tortured the complainant physically and mentally and ousted her from her matrimonial home.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of complaint filed by opposite party no. 2- complainant. He further submits that the fact of the matter is that the petitioner was kidnapped by the parents of the complainant and the marriage was forcibly solemnized on 10.07.2021 between the petitioner and complainant. He next submits that the petitioner was already in the marriage tie with another lady and when the parents of the complainant came to know about the same, they decided to dissolve the marriage, for which, demand of Rs. 4 lacs was made by the complainant's father, out of which, petitioner has paid a sum of Rs. 3,10,000/- through bank transaction and remaining amount was paid in cash. The agreement executed between the petitioner, opposite party no. 2 and her father is annexed as Annexure-2 to this petition and details of bank transaction of Rs. 3,10,000/- is at Annexure -3/A to this application.

5. Learned counsel for the complainant vehemently opposed the prayer for bail and submits that there is specific



allegation against the petitioner of demand of dowry and torture. Signature of complainant was forcibly taken on the plain paper and an agreement has been executed.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the agreement entered into between the parties including transfer of a sum of Rs. 3,10,000/- by the petitioner in the account of father of the complainant, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released 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., Katihar in connection with complaint case no. 2014 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

