

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33516 of 2024

Arising Out of PS. Case No.-1360 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Mukesh Kumar Patel @ Mani Kumar Patel son of Bashishtha Prasad Patel
Mohalla- Tin Lalten Chowk W.No-7, Near Gurudwara Ps- Bettiah Town Dist-
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari wife of Mukesh Kumar Patel @ Mani Kumar Patel, D/o-
Santosh Kumar Patel Village- Banwa Tola Ps- Bettiah Muffasil Dist- West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 13-02-2025 Heard learned counsel for the petitioner, learned

counsel for the complainant and learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Sections 498(A) of

the Indian Penal Code and Section 4 of the Dowry Prohibition

Act.

3. As per the allegation, complainant was married

to petitioner in the year 2019. It is further alleged that

petitioner and other accused persons started torturing the



complainant for dowry of Rs. 7,00,000/- (seven lakh rupees) and a car. It is further alleged that accused persons ousted the complainant, along-with her three years old minor son, from her matrimonial house.

4. From perusal of the mediator's report (Flag 'M'), it appears that the dispute between the parties could not be settled through the process of mediation. Hence, mediation failed.

5. In pursuance to the direction of this Court, both parties appeared with the respective counsel. Petitioner (husband of O.P. No. 2) is ready to keep his wife (O.P. No. 2) with full honour and dignity but O.P. No. 2 flatly denied to lead the conjugal life, without any just and cogent reason. She is adamant and not willing to go to the ancestral house of his husband (petitioner).

6. Learned counsel for the petitioner submitted that the petitioner has filed Divorce Case No. 42 of 2023 before the trial Court on the basis of the fact that the behaviour of his wife (O.P. No. 2) is not tolerable. It is further submitted that the O.P. No. 2 was torturing the parents of the petitioner



in different way in absence of the petitioner. She wants to live in rented house to which the petitioner is refusing because his parents are living at his ancestral house.

7. Learned A.P.P. for the State has vehemently opposed the prayer of bail and submitted that mediation failed.

8. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 1360 (C) of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Nirajkrs/-

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