

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65230 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Atul Kumar Son of Alok Kumar Resident of Mohalla-Hirapur, House No. 319
JC Mallik Road in front of BJP Office Dhanbad, P.S.- Dhanbad, District-
Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife of Atul Kumar, Daughter of Srikant Singh Resident
of Mohalla-Officers Colony Mirchaibari, Katihar, P.S. Katihar, District-
Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv
For the Opposite Party/s : Mr.Nirmala Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 13-05-2025 Heard learned counsel for the petitioner, learned
counsel for the Opposite party no. 2 and the State.

2. Petitioner is apprehending his arrest in a case
registered for the offences punishable under sections 498A of
the Indian Penal Code and section 4 of the D.P.Act.

3. The matter had earlier been sent to the Mediation
Center for resolution of disputes but the same had failed. The
prosecution case is based upon a complaint filed by the O.P.No.
2, wherein the allegation of demand of dowry and torture has
been made. The petitioner is the husband.

4. Learned counsel for the petitioner submits that the



allegation made in the complaint is not correct and as a matter of fact, he had been ready to keep the O.P.No.2 with due dignity and honour but the O.P.No.2 did not reside at her matrimonial house, rather she pressurized the petitioner to stay along with her in her parents house which was not acceptable to the petitioner. Since the dispute between the parties could not be resolved, the petitioner was compelled to file a matrimonial suit for divorce in the Family court, Ranchi being original suit no. 932 of 2022 in which notices were issued on 06.12.2022 and only after receiving the notice, the O.P.No.2 has filed the present complaint on 17.01.2023.

5. The learned counsel for the O.P.No. 2 however, controverts the contentions made by the petitioner and totally stands by the allegation that have been made in the complaint petition.. He also submits that though the O.P.No.2 is ready to stay with the petitioner and it is actually the petitioner, who has refused the same.

6. After considering the rival contentions, it appears that both the petitioner and O.P.No.2 are well educated persons, who are also into decent jobs and having good earning for their livelihood and the present case is a result of some non performance of marital obligation by either sides, for which one



person cannot be blamed.

7. In such view of the matter, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in connection with C. A Case No. 85 of 2023, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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