

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71451 of 2024

Arising Out of PS. Case No.-1003 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

Avinash Kumar Tripurari Kumar @ Lallu Babu @ Lallu Kumar Resident of
Village- Bibhutipur PS- Bibhutipur District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o- Avinash Kumar, D/o- Dharmendra Singh Village-
Sonapur Bharath Po- Hanspur Ps- Nayagaon Dist- Begusarai

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For Opposite Party No.2 :		Ms. Archana Sinha, Sr. Advocate
		Mr. Ashok Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-03-2025 Heard learned counsels for the parties.

2. Earlier, the matter was referred to Mediation Centre, but the dispute between the parties could not be settled through the process of mediation and as such, mediation failed (report at Flag 'M').

3. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 420, 498A and 34 of the Indian Penal Code.

4. As per prosecution case, the complainant, namely Jyoti Kumari, alleged that she was married with this petitioner on 25.04.2019 and at the time of marriage, her father gave



dowry of Rs. 18,00,000/-. It is further alleged that the petitioner's family concealed about the petitioner's kidney ailment and later on, demanded more dowry and pressurized her to donate her kidney. It is further alleged that she was tortured, threatened and eventually ousted from her matrimonial house.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. There is no allegation of torture or demand of dowry against this petitioner. As a matter of fact, the complainant/Opposite Party No. 2 herself left her matrimonial house on her own accord on 08.03.2021 and filed a petition before the learned court below on 12.06.2023, after lapse of two years of the alleged occurrence. At the time of marriage, this petitioner was posted as Senior Assistant, Business Process Services in the Computer Science Corporation India Pvt. Limited and in January, 2021, petitioner suffered kidney disease and instead of supporting her husband the complainant/Opposite Party No. 2 started disputing and quarreling and later on, left her matrimonial house on her 08.03.2021. Petitioner is suffering from kidney disease and now he is not working and dependent upon his parents. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and



learned senior counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is husband of the complainant/Opposite Party No. 2 and there is specific allegation that he, along with other accused persons named in the complaint petition, tried to kill her by pouring kerosene oil on 07.03.2021 for dowry and also brutally assaulted her with fist and slap. It is further submitted that in spite of directions passed by the learned Judicial Magistrate First Class, Begusarai in Complaint Case No. 9P of 2022 to pay the complainant/Opposite Party No. 2 Rs. 5,000/- per month as interim relief since 08.12.2022, not a single farthing has been paid by the petitioner till date.

6. Considering the aforesaid facts and circumstances, specific and direct nature of accusation and conduct of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

shashank/-

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

