

In the court of Addl. Sessions Judge III Bagaha, West Champaran.

Anticipatory bail petition No. 779C)/2022
Complaint Case No. 335/2022, Tr. No. 1357/2022

Balmukund Kumar Vs. State of Bihar

03.08.2023 Petitioner Balmukund Kumar apprehending his arrest in Complaint Case No. 335/2022, Tr. No. 1357/2022 u/s- 498A, of the I.P.C. and has filed the present petition for anticipatory bail.

Heard the learned Addl. P.P. In-charge and Mr. Shiv Shankar Tiwari counsel for the petitioner.

The case of the prosecution in brief is that Complainant's marriage was solemnized with the petitioner according to Hindu Customs at her native village four year ago. Complainant's father gifted jewelery of gold and silver, utensils, clothes, furniture and domestic goods e.t.c. worth Rs. 20-25 lac. After 8-10 days accused persons demanded a dowry as four wheeler car from the complainant. When she refused then accused persons started assaulting to the complainant. On received information complainant's father came to her matrimonial house and he went alongwith complainant to her husband in Madhyapradesh and requested him to keep her well. Complainant's Father came his house to left his daughter. Complainant's husband started assaultin her mentally and physicaly. In the mean time complainant became pregnant. During assaulting her, Father of the complainant took her naihar. Complainant gave birth a child on 02.10.2021. On calling her husband did not come to her wife. Complainant's father along with complainant and her child went to petitioner in Madhyapradesh on 09.03.2022. Petitioner started abusing and fled away them from there.

It is submitted on behalf of the petitioner that he is quite innocent and has committed no offence as alleged against him. No any anticipatory bail petition has been filed earlier on behalf of the petitioner either before your honour or before Hon'ble High Court Patna. Petitioner has no criminal antecedent. Petitioner has been falsely implicated in this case. Entire allegation levelled against him is false and fabricated. From perusal of statement of complainant recorded by learned court it reveals that his marriage was solemnised 5 years before present case has been filed by complainant with ulterior motive. Petitioner neighter demanded any kind of dowry nor complainant was subjected to her cruelty by the petitioner. During course of enquiry it send that she live in her materimonal house near about 1/2 years prior to dated 07.06.2022. Complainant is open minded lady who does not want to live with her husband and her sasural that's why after hatching a criminal conspiracy present complainant was filed by complaint case with false and frivolous allegation as alleged against petitioner. Petitioner is husband working at Madhyapradesh andhe is ready to keep his wife with full dignity and respect. From perusal of the statement of complainant and other witnesses who examined during course of enquiry no case u/s 498A is made out against the petitioner.

Learned Addl. P.P. In-charge vehemently opposed the prayer of anticipatory bail of the petitioner and submitted that petitioner has committed the offence and sufficient material is available on the record, so this petitioner do not deserve the privilege of anticipatory bail.

Heard both sides and perused the L.C.R. and record. From perusal of L.C.R. and record it appears that there is direct allegation against the petitioner for demanding of dowry and assaulting to the complainant. Petitioner is husband of the complainant. Witnesses have supported the complaint case as contained in complaint witness no. 1 and 2 of lower court record. From perusal of the document filed on behalf of the complainant it apears that after mediation, petitioner left his wife at his home and went to Madhyapradesh. While, during mediation it was said to keep the complainant with the petitioner. Complainant come to her naihar during assaulting against herself from matrimonial house.

Considering the facts and circumstances of the case and material available
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on record and discussions made above, I am not inclined to enlarge this petitioner on bail. Accordingly prayer for anticipatory bail of the petitioner is hereby rejected.

Dictated



Addl. Sessions Judge III
Bagaha, West Champaran