

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39481 of 2014

Arising Out of Complaint .Case No. -1033 Year- 2012 Thana -GAYA COMPLAINT CASE District-
GAYA

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1. Naresh Prasad Son of Late Lachman Prasad
2. Meera Devi, Wife of Naresh Prasad Both residents of Mohalla -
Ghusalkhana Road, Chotki Delha, P.S. - Delha, District - Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.43698 of 2014

Arising Out of Complaint Case No. -1033 Year- 2012 Thana -GAYA COMPLAINT CASE District-
GAYA

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Anil Kumar Son of Late Lachman Prasad Resident of Mohalla -
Ghusalkhana Road, Chotki Delha, P.S. - Delha, Distt. - Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. Sangeeta Kumari Wife of Anil Kumar, D/o - Rajendra Prasad At Present
Residing at Mohalla - Nadriganj Koiriwari, Khajanchi Lane, P.S. - Civil
Lines, Distt. - Gaya.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.39481 of 2014)

For the Petitioner : M/s Gouranga Chatterjee
Nilanjan Chaterjee, Advocates

For the State : Mr. Parmanand Pd. APP

For the Complainant : Mr. Ajay Kumar Sinah, Advocate

(In Cr.Misc. No.43698 of 2014)

For the Petitioner : M/s Gouranga Chatterjee
Nilanjan Chaterjee, Advocates

For the State : Mr. Shyam Bihari Singh, APP

For the Complainant : Mr. Ajay Kumar Sinah, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-03-2015 As both the applications arise out of the same

complaint case, they have been heard together and are being

disposed of by this common order.

Heard learned counsel for the petitioners, the State and the complainant.

The petitioners apprehend their arrest in connection with Complaint Case No. 1033 of 2012 registered for offences punishable under Sections 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

It is submitted on behalf of the petitioners that it is apparent from the complaint petition that the petitioners are vegetable vendors and from the complaint case itself it would appear that the marriage of the complainant was solemnized on 28.2.2009. However, admittedly the complainant has not lived in her matrimonial house after 20.05.2009 when she was allegedly thrown away from the house. It is further contended that in fact when she willingly left her matrimonial house after about two months of marriage and thereafter petitioner Anil Kumar has already filed Matrimonial Case No. 281 of 2011 under Section 13(1) of the Hindu Marriage Act for grant of a decree of divorce in the year 2011, subsequently, the present complaint case was filed on 12.06.2012. It is also contended that there is no explanation at all in the complaint as to under what circumstances, though the complainant was allegedly thrown

away from the matrimonial house from 20.05.2009 itself, she has filed the present case after three years and she has not stated any where as to what had happened in between those three years, i.e., from 2009 to 2012. It is lastly contended that this case is a counter blast to the aforesaid matrimonial case filed by the petitioner Anil Kumar.

Having regard to the facts and circumstances of the case, let the petitioners of Cr. Misc. No. 39481 of 2014, namely, Naresh Prasad and Meera Devi and petitioner of Cr. Misc. No. 43698 of 2014, namely, Anil Kumar be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Complaint Case No. 1033 of 2012, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Gaya subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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