

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41325 of 2014

Arising Out of PS.Case No. -20 Year- 2013 Thana -PIRI BAZAR District- LAKHISARAI

Dayanand Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 14-01-2015

Heard.

The husband of the lady Sugandha Rani is in custody since 22.08.2014 in Piri Bazar P.S.Case No.20 of 2013 under Sections 498(A), 406,376 and 511 IPC as also Section 3 and 4 of the Dowry Prohibition Act.

Undisputedly the lady was married to the present petitioner on 18.04.2008 and the complaint petition alleging illtreatment and torture due to non-fulfilment of the demand for additional dowry was filed on 10.04.2013, a copy of which was transmitted to the police station for investigation as a result of which the above noted FIR was drawn up.

The allegation, inter-alia, was also that the lady who was a qualified person having obtained post-graduate degree and diploma in education was not tolerable to the family of the

petitioner on account of her higher educational qualifications and, as such, she was illtreated and tortured in various ways. It was also alleged that the petitioner was planning to marry another lady and she was not liked by the family members and, as such, she was expelled from her matrimonial house on 23.02.2013.

The submission is that the lady was patient of schizophrenia and she had been taken to different psychiatrists for treatment as appears noted by the learned Additional Sessions Judge who dismissed the prayer for bail of the petitioner in Bail Petition No.357(L) of 2014. It was contended that finding the lady not of such a case which could be cured, the petitioner lastly, filed a petition for dissolution of his marriage to the lady before the Principal Judge on 14.02.2013. After having come to know about the filing of the petition seeking dissolution of marriage of the petitioner to the lady, the complaint petition was filed on wrong and baseless allegations.

While going through the written report, the complaint petition which was the basis of the FIR, what this Court found is that there is a general allegation of ill-treatment without there being specific allegation of any demand for bringing additional dowry. The learned Additional Sessions Judge who dismissed the prayer for bail of the petitioner has also noted that the lady was

treated by a number of doctors and the prescriptions were placed before him and the matrimonial petition is pending and there does appear some semblance of probability that the lady might be mentally ill as appears from the record presented before the court below and noted down in the rejection order. The allegation on the face of it appears coming out of anguish due to incompatibility of relationship, considering which, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Lakhisarai in the above noted case.

(Dharnidhar Jha, J)

B.Kr./-Kanth.

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