

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47398 of 2014

Arising Out of Complaint Case No. -1883 C Year- 2013 Thana -BEGUSARAI COMPLAINT
CSAE District- BEGUSARAI

=====

Basant Kumar Son of Sri Ramakant Singh Resident of Village - Bharaul,
P.S. - Bachhwara, District- Begusarai, At present residing at House No. 1/2,
Next to M.R. Poly Clinic, 1st Main Road, Gangai Nagar, Kallikuppam
Ambattur, Chennai - 600053.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Sujata, Wife of Basant Kumar, Daughter of Dr. Ram Bilash Singh, Residing of Village-Musadpur, P.S.-Barauni, District- Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

6 12-08-2015

Learned counsel for the parties are present.

The petitioner as well as opposite party no. 2,
though not directed to appear, are present in Court.

From the counter affidavit filed on behalf of
opposite party no. 2 and the reply to the counter filed on
behalf of the petitioner today, a controversy has arisen as to
whether the report from Sir Ganga Ram Hospital, New Delhi,
copy of which has been made Annexure-B to the counter
affidavit filed on behalf of the opposite party no. 2 or copy of
which has been annexed as Annexure-5 to the reply filed by

the petitioner today is the report from Dr. Rajiv Mehta, the Consultant Psychiatrist of the said hospital, since the two are apparently materially different.

From the record of the All India Institute of Medical Sciences, New Delhi, it appears that some tests were advised but the date given is of November, 2015. This Court is not satisfied with the way the opposite party no. 2 and her relatives have conducted themselves since they could very well have got the test held outside in another institute if at all there was a genuine desire to solve the issue and for restoring the relationship between the parties. Today also the way the matter has been conducted, it appears to the Court that the parties are taking extreme stand against each other with lot of allegations and counter allegations made from each side regarding their conduct.

As per the allegation in the complaint case, the petitioner is said to have taken cash amounting to Rs. 18,00,000/- and also a car valued Rs. 5,00,000/- besides furniture, ornaments and thereafter it is further alleged that he demanded Rs. 20,00,000/- for purchasing of flat in Delhi.

From the report of the doctor of All India Institute of Medical Sciences, New Delhi, it is clear that the opposite party no. 2 has been advised psychometric test which has not been done. On a query of the Court as to whether the opposite party no. 2 is ready to go to any institute for getting



the said test done at an early date, the opposite party no. 2, through her counsel, submits that as nothing has come out, she is not ready for the test as there was no requirement for the same. This Court finds the stand to be very strange since the report of the All India Institute of Medical Sciences, New Delhi, copy of which has been brought on record as Annexure-C in the counter affidavit filed by the opposite party no. 2 herself, it has been advised for such test and the date also fixed for 23.11.2015 and she has never objected to it in the past.

Be that as it may, this Court would not like to go into the allegations and counter allegations including as to whether the report of Sri Ganga Ram Hospital, New Delhi dated 23.07.2015 as has been brought on record by the opposite party no. 2 or the petitioner is the report which was first submitted by the doctor concerned, this Court finds that the petitioner has been able to persuade the Court to exercise its discretion for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Begusarai in Complaint Case No. 1883 (C) of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,

1973.

However, any observation made in any of the orders of this Court in the present proceeding shall not cause prejudice to either of the parties in any proceeding including the Complaint Case No. 1883 (C) of 2013 pending before the concerned Court at Begusaria.

The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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