

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28404 of 2014

Arising Out of PS.Case No. -676 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Upendra Rai Son of Late Thakur Rai R/o Village - Dharhari, P.S. - Chiraiya, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/o Upendra Rai, D/o Shatrudhan Rai R/o Village - Dharhari, P.S. - Chiraiya, District - East Champaran at present Village - Sisbani, P.O. - Bitbani, P.S. - Jitna, District - East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 20-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest in a case punishable for the offence under sections 498 (A) and 406 of the I.P.C.

The Complainant was married with the elder brother of the petitioner who was killed in Manipur by the Naga extremists and the compensation amount given to his wife was illegally taken away by accused no.3 Inerkali Devi and thereafter the Complainant was married with the petitioner five years ago and he started demanding the she-buffalo which was refused and then she was assaulted by spade causing bleeding injury.

Submission is that the petitioner was never married

and he is still bachelor. No money was given by the Manipur Government and all the allegations are false, imaginary and concocted and there is no question of demanding dowry and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer for pre-arrest bail by submitting that the petitioner is husband of the Complainant and for not fulfilling the demand of dowry she was tortured.

Considering the submissions urged at the bar, going through the records and noticing that the marriage itself is denied and as submitted by the Complainant she was married with the elder brother of the petitioner and as such in the peculiar facts and circumstances, the petitioner in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall 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 Sri S.K.Jha, J.M. Sikrahana at Motihari in Complaint Case No. 676 of 2013/ Trial No. 4004 of 2014, subject to the conditions as laid down in section 438 (2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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