

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45137 of 2014

Arising Out of PS.Case No. -421 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Harendra Singh, son of Gupteshwar Singh, resident of village - Baganaha,
P.S. Karakat, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, W/o Harendra Singh, D/o Chandrashekhar Singh, resident
of village - Bhagwanpur, P.S. Mohania, District - Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. Yogendra Kr.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 16-12-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Tr. No.2745 of 2014 arising out of Complaint
Case No.421 of 2014 for allegedly having committed the
offence under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that two
cases have been lodged against the petitioner; one bearing
Karakat P.S. Case No.10 of 2014 in which only the petitioner
has been made an accused. Subsequently, on 19.4.2014, the
wife of the petitioner has again lodged a complaint case,
bearing Complaint Case No.421 of 2014, before the C.J.M.,
Kaimur at Bhabua. In the said case, the entire family members



of the petitioner have been made accused. Learned counsel for the petitioner further submits that in the complaint case, O.P. No.2 has levelled various allegations, including a demand of dowry and other acts of physical and mental torture are stated to have been inflicted on O.P. No.2 by the family members, including the petitioner. However, in the entire F.I.R. lodged earlier, it is only the petitioner who was made an accused with an alleged demand of dowry.

Learned counsel appearing on behalf of O.P. No.2 states that there has been consistent torture on behalf of the petitioner and his entire family, which has led to the lodging of both the cases.

After perusing the entire materials on record and after having delved deeply into the contents and the allegations of both the cases, this Court finds that there are inherent contradictions in the allegations made, and also the period of torture and that other facts are also disputed.

Considering the entire gamut of circumstances and that the petitioner is still willing and ready to resolve the disputes and keep the complainant with full dignity and honour, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of

four weeks from the date of receipt/production of a copy of this order, 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 the learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua, in connection with Tr. No.2745 of 2014 arising out of Complaint Case No.421 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that in case the O.P. No.2 goes to live with her husband and there are any untoward incidences leading to mental torture, it shall be open to the Opposite Party No.2 to move this Court or the court below for seeking appropriate redressal of the grievances, including filing of a modification/cancellation application, which shall be considered, in accordance with law.

(Anjana Mishra, J)

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