

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48353 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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Amit Kumar Son of Kameshwar Pandey Resident of Village- Sorpaniya,
P.S. Dhaka, District East Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. Shweta Rani Wife of Amit Kumar Resident of Mohalla- Sri Krishna
Nagar, Gali No. 6, Near Sapahi Devi, P.S. Town, Motihari, District East
Champaran, Present D/o Prabhat Kumar Singh, resident of Mohalla Gayatri
Nagar, P.S. Town, Motihari, District East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mrs. Anita Kumari Singh
Mr. Vinay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 24-11-2016 Heard Sri Karandeep Kumar, learned counsel for the
petitioner, learned Addl. Public Prosecutor as well as Sri Vinay
Kumar, learned counsel, who has voluntarily appeared on behalf
of informant/opposite party no. 2.

The petitioner, who is husband of informant, has
prayed for grant of anticipatory bail in Mahila P.S. Case No. 46 of
2016 (G.R. Case No. 3995 of 2016) registered for offence under
Sections 341, 342, 323, 504, 420, 406, 498(A)/34 of the Indian
Penal Code and Sections 3 & 4 of the Dowry Prohibition Act,
1961.

By way of referring to F.I.R., learned counsel for



petitioners submits that marriage of petitioner with informant was solemnized in the year 2012. Ofcourse, in the F.I.R., it has been alleged that right from the initial period of marriage, demand of dowry was made and she was also tortured, even in the F.I.R., it was alleged that in the month of October, 2015, by force on blank paper, signature of informant was got obtained by the petitioner. The F.I.R. in the present case was lodged only after lodging of F.I.R. by the petitioner. By way of referring to Annexure – 2 i.e. copy of F.I.R. of East Champaran (Town) P.S. Case No. 510 of 2016 registered on the same date i.e. on 09-08-2016 it was submitted that petitioner was brutally assaulted by his in-laws and he received serious injuries. He submits that after being injured too petitioner took step for lodging of F.I.R. against the parents of the informant of the present case. The present case was got instituted on false accusation.

It is a fact that both petitioner and informant are doctors.

In view of facts and circumstances, particularly the fact that there was case and counter case, there is no reason to deny the prayer for anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Amit

Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mahila P.S. Case No. 46 of 2016 (G.R. Case No. 3995 of 2016), subject to condition(s) as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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