

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27085 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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Anil Kumar, son of Sri Tarkeshwar Prasad Bhagat, resident of village-
Banmankhi, P.S.- Banmankhi, Distt.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi @ Neha, D/o Sri Kisto Bhagat, wife of Anil Kumar,
resident of village- Bhagwat Chowk, P.s.- Gamhariya, Distt.- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2016 Heard learned counsels for the petitioner and the

State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 420, 120B, 498A and 406/34 of the Indian Penal Code.

The accusation is of torture for non-fulfillment of dowry demand and cheating the informant since the petitioner is impotent.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and accusation of impotency is absolutely baseless rather OP No. 2

refused to live with the petitioner. The petitioner has filed Matrimonial Suit No. 55 of 2016 on 04.04.2016 for restitution of conjugal life and the petitioner is still ready to keep his wife with full dignity and honour. Statement to that effect has been made in Para-14 of the petition, which reads as follows:

“That the petitioner is still ready to keep his wife in his matrimonial home with full dignity. The petitioner himself lodged a matrimonial case being Matrimonial Case No. 55 of 2016 on 04.04.2016 for restitution of conjugal right.”

It is further submitted that before the learned court below, the informant refused to accept the offer of the petitioner stating that the petitioner is impotent.

It is apparent from the impugned order which reads as follows:-

“Learned P.P. as well as learned counsel opposes prayer for anticipatory bail. Learned advocate appearing on behalf of the informant submits that informant Poonam Devi alias Neha is present in the court dock and she stated that she is not ready to live with her husband-petitioner Anil Kumar because he is impotent.”

Learned counsel appearing on behalf of the informant submits that the informant Poonam Devi appeared in

the Court and she stated that she is not ready to live with her husband (petitioner) Anil Kumar as he is impotent.

Considering the aforesaid facts, let the petitioner above named in the event of her arrest or surrender before the Court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Gamhariya P.S. Case No. 11 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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