

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29983 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

=====

Ravinandan Pandey, S/o Late Anil Pandey, R/o Mohalla- Chhota
Bariyarpur, P.S.- Chhitauni, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar;
2. Vinita Devi, D/o Ramji Dubey, R/o Hasanpur, P.S. Kotwa, Dist. East
Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Sri Zainul Abedin

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-01-2017

Learned counsel for the petitioner is present,

however none appears on behalf of opposite party no. 2.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 406, 307, 34 of the Indian Penal Code.

The basic accusation is of torture within one year of marriage and making assault. It is specifically alleged that Gauri Devi, mother of the petitioner caused burn injury with hot iron rod when this petitioner poured kerosene oil and other accused persons made assault.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but for the occurrence of 05.04.2015, the complaint



was filed on 17.02.2016 which came to be registered as Chhitauni P.S. Case No. 83 of 2016 on 03.04.2016 after being transferred under Section 156(3) of the Cr.P.C. The informant also made accused to the sisters of the husbands of the informant who are either posted outside the State and were on duty at the relevant date or were in the hospital. There is no injury report of the informant on record. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That there has been no injury report of the alleged assault on the complainant by the petitioner.”

The notices were issued to the informant/opposite party no. 2 vide order dated 22.07.2016. The office note dated 28.10.2016 reflects that notices were personally received by the opposite party no. 2 but she refused to acknowledge the receipt. Hence, the notices were deemed to be validly served vide order dated 08.11.2016. Thereafter, the matter was listed on 25.11.2016. On that date, no one appeared on behalf of the informant/opposite party no. 2. Today also none is appearing on behalf of the informant/opposite party no. 2.

Considering the delayed lodging of the First Information Report and the fact that in spite of issuance of notice the informant chose not appear and controvert the



contention for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory 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 Chhitauni P.S. Case No. 83 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Shageer/-

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

