

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9269 of 2018

Arising Out of PS. Case No.-187 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Kumar Akash, Son of Jawahar Prasad, resident of Mohalla- at present Near
Pitambra Mandir (renter of Ravindra Kumar), Police Station- Alamganj,
District- Patna ... Petitioner

Versus

1. The State of Bihar.
 2. Baby Niharika, Wife of Shahid Niree (Inspector), G.D. Prawal Parimal,
daughter of Raj Kumar Sah, Kila Road, Near S.J.J.S. College, Police Station-
Chowk, Patna City, District- Patna ... Opposite Parties
- =====

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Mouar, Adv.
For the State	:	Mr. MD. Aslam Ansari, APP 241
for the complainant	:	Mrs. Annapurna Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 26-03-2018

Heard the parties.

This is a petition for grant of anticipatory bail for
offences under Sections 420, 406, 323, 506 and 34 of the Indian
Penal Code.

It is alleged in the complaint petition that opposite
party no. 2 is widow lady. She was living in naiher, after death
of her husband on duty on 10.06.2009. The petitioner
developed intimacy with the complainant and in order to usurp
all the financial benefit, which had accrued to her due to
untimely death of her husband, started visiting opposite party
no. 2 and disclosed himself to be an engineer. He promised to
marry the complainant and take care of her daughter. It is also
alleged that he got sale deed executed of two katha land in his



name by the money of the complainant. The petitioner did not spend any money for purchase of the aforesaid land. It is also alleged that petitioner has falsely made claim that he had performed marriage with her in Arya Samaj Temple at Haridwar.

Learned counsel for the complainant has appeared and submitted that petitioner is making false statement that he performed marriage with the complainant. The matter was enquired by the officials of Central Reserve Police Force and it has been found that there was no marriage of the petitioner with the complainant.

Learned counsel for the petitioner submits that matter was enquired by the Senior Superintendent of Police, Patna, who has stated in the report that petitioner has performed marriage with the complainant. Learned counsel for the petitioner has submitted that the complainant is denying the marriage because petitioner has sent application to the Central Reserve Police Force authorities to stop the pension which she was getting on account of death of her first husband. Learned counsel for the petitioner has submitted that the petitioner has filed petition under Section 9 of the Hindu Marriage Act for restitution of conjugal right before the Family Court, Patna, which is still pending.



Learned counsel for the complainant has submitted that Title Suit No. 21 of 2015 was filed by the petitioner to decide about the marital status of the complainant. The petitioner has not filed petition under Section 9 of the Hindu Marriage Act.

From perusal of the allegation, it appears that main allegation against the petitioner is that he got sale deed executed of two kathas of land in his name by the money of the complainant and by playing fraud took rupees seven lakh from complainant on the pretext of marrying her.

The Court is of the view that civil remedy is available to the complainant for such grievance.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **C.A. Case No. 187 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, Patna City, Patna**, subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code with further conditions : (1) bailors should be



local having sufficient immovable property within the jurisdiction of the Court concerned. (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

Shamshad/-

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