

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9296 of 2019

Arising Out of PS. Case No.-1705 Year-2013 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Bishal Kumar Chaupal @Bishal Kumar Sharma, Male 24 years, Son of
Krishna Chaupal, Resident of Village – Kahra, P.S. and District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushubu Devi, wife of Bhishal Kumar Sharma, D/O Ashok Sharma, at
present Resident of Mohalla Batraha, P.S. and District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner, being the husband of the complainant,
is languishing in custody since 07.12.2018 in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Section 498A of
the Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

The accusation is of torture for non-fulfillment of



further dowry demand.

Earlier, the petitioner was granted provisional anticipatory bail by Co-ordinate Bench of this Court vide order dated 11.02.2015 in Cr. Misc. No.37993 of 2014, but he failed to comply his undertaking of keeping the complainant as wife with full dignity and honour, as a result, the provisional anticipatory bail was not confirmed by the learned Court below.

It is submitted by learned counsel for the petitioner that the petitioner tried his level best to reconcile the matter, but the issue could not be reconciled due to apathetic attitude of the complainant. It is further submitted that the petitioner is in custody for more than two months.

It is submitted by learned counsel appearing for the mother of the complainant that the petitioner took the complainant with him to her matrimonial house in pursuance to the order passed in Criminal Miscellaneous No. 37993 of 2014, but thereafter she went missing and she has not been traced out as yet for which a substantive case being, Saharsa P.S. Case No.229 of 2017 was registered by the mother of the complainant for the offences punishable under Sections 341, 498A, 363, 365, 504 and 506/34 of the IPC, in which the petitioner has been granted anticipatory bail by Co-ordinate Bench of this Court, vide order dated 22.02.2018, passed in Cr. Misc. No.10115 of 2018, on the



ground that the complainant was eloped with one Ramesh Kumar.

Considering the nature of accusation, the period under custody and the fact that co-ordinate bench of this Court vide Criminal Miscellaneous No. 10115 of 2018, granted anticipatory bail to the petitioner in a substantive case being Saharsa P.S. Case No.229 of 2017, let the above named petitioner 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 learned **SDJM, Saharsa** in connection with **Complaint Case No.1705C of 2013**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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