

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7403 of 2019

Arising Out of PS. Case No.-525 Year-2016 Thana- COMPLAINT CASE District- Jamui

Chandan Kumar @ Abhishek Kumar, Son of Kishun Saw @ Ram Kishun Saw, R/o village- Singaritar , P.S- Khaira, District Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Soni Kumari, Wife of Chandan Kumar, D/o Jaldhar Saw, R/o village- Singaritari, P.S- Khaira, District Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case wherein cognizance has been taken for the offences punishable under Section 498(A) of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition filed by the complainant, Soni Kumari is to the effect that the marriage between the complainant and the petitioner, Chandan Kumar was performed on 20.11.2015. Subsequently, further dowry demand of 1 Katha of land was made and due to non-



fulfillment of the same, torture has been inflicted upon the complainant. It is further alleged that on 14.05.2016, the petitioner and other co-accused persons came to the parental house of the complainant and started assaulting the father and mother of the complainant with lathi and danda.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. It is further submitted that the complainant earlier on 15.03.2017, lodged Khaira P.S. Case No.66 of 2017, with accusation of offences punishable under Sections 498(A), 341, 323 and 504 of the I.P.C. and under Section 3/4 of the Dowry Prohibition Act, wherein the petitioner has been granted provisional bail by the learned C.J.M. Jamui and thereafter C.J.M., Jamui, issued notice to the complainant for her appearance but she failed to appear, as a result, the provisional bail of the petitioner was confirmed by the learned S.D.J.M., Jamui.

It is submitted by the learned APP for the State that finding prima facie case, cognizance has been taken against the petitioner.

Considering the fact that subsequent to lodging of the present case, the complainant also lodged Khaira P.S. Case No.66 of 2017 with similar rather same accusation in which the petitioner has been granted bail, let the above named petitioner be released



on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **S.D.J.M., Jamui** in connection with **Complainant Case No.525C of 2016**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Dinesh Kumar Singh, J)

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