

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11933 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Chandan Kumar Singh, aged about 35 Years, Male, Son of Late Rama Shankar Singh, Resident of Village- Samsuddin Pur, Police Station- Rivilganj, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Devi, Aged about 23 years, Female, Wife of Sri Chandan Kumar Singh, Daughter of Sri Subodh Kumar Singh Resident of Village - Siarua, Police Station -Jagdishpur, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shravan Kumar, Adv. Mr.Dinesh Maharaj, Adv.
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP.
For the Informant	:	Mr. Arun Kumar Singh, Adv. Mr.Shashikant, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2019 Heard learned Senior Counsel for the petitioner, learned counsel for the informant as well as learned APP representing the State.

Petitioner is seeking anticipatory bail in connection with (Bhojpur) Mahila P.S. Case No. 112 of 2018 dated 09.08.2018 registered for the offences punishable under Sections 498 A, 406 and 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned Senior Counsel for the petitioner submits that marriage between the petitioner and the O.P. No.2 was



solemnized on 21.05.2017 in a 'Temple' because both the parties come from economically weaker section and they were unable to spend much on marriage expense. It is submitted that there was no demand of dowry, however, due to certain incompatibility between the husband and the wife the relationship did not go well. It is submitted that the allegations of demand of dowry is a false allegation. Further it is submitted that the allegation that the petitioner had assaulted the O.P.No.2 and had cut her left hand is totally false which will be evident from Annexure '2' of the present application. From Annexure '2' which is discharge summary of 'Ohio Hospital, Kolkatta' learned Senior counsel shows that the informant was admitted in the hospital with an alleged cut injury with glass over left forearm and right hand followed by bleeding and pain. It is submitted that this petitioner had taken her to the hospital where she was treated and was discharged. It is submitted that at least one year after the aforesaid discharge from the hospital the present F.I.R. came to be lodged which was initially lodged as a complaint petition in the Court of learned Chief Judicial Magistrate, Bhojpur which was sent for registration of F.I.R. It is, thus, submitted that after about one year, the informant has concocted this story which is falsified from Annexure '2'.



Learned Senior Counsel further submits that this petitioner is ready and willing to keep the O.P. No.2 with full dignity and care and will ensure that she lives with full dignity and care and a conjugal life is restored.

Learned counsel representing the informant had taken time to seek instruction from the informant to find out whether she would be willing to live with the petitioner. Today, this Court has been informed that the O.P.No.2 is not willing to live with the petitioner as she has on her own apprehensions about the conduct of the petitioner. Learned counsel, therefore, submits that the petitioner does not deserve anticipatory bail in the facts and circumstances of the case.

Learned APP for the State has opposed the prayer for bail and has taken more or less the same plea which has been taken on behalf of the informant.

Having heard learned Senior Counsel for the petitioner, learned counsel for the informant as well as learned counsel for the State, this Court is willing to extend the benefit of anticipatory bail to the petitioner taking note of the submissions at the Bar that the petitioner and O.P. No.2 had solemnized the marriage in a 'Temple' as they come from economically weaker section and further that the injury which



has been made basis of alleging that the petitioner had indulged in an assault upon the O.P. No.2 was allegedly caused by a glass cut and for which she was treated in the hospital on 18.08.2017 and 19.08.2017, the petitioner is serving in a company and that the complaint was filed one year after her discharge from the hospital. Let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Magistrate, Bhojpur, Ara in connection with (Bhojpur) Mahila P.S. Case No. 112 of 2018 dated 09.08.2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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