

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13701 of 2019

Arising Out of PS. Case No.-375 Year-2018 Thana- KARAHGAR District- Rohtas

PRINCE KUMAR @ PRINCE CHAUDHARY, aged 23 Years (Male), Son of Bipin Choudhary, Resident of Village- Badki Kharari, Police Station - Kargahar, District- Rohtas (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar Singh No.10, Advocate.
For the Opposite Party : Mr.Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 326, 307, 354, 376, 498(A)/34 of the IPC and $\frac{3}{4}$ of the D. P. Act.

The prosecution story, in brief, is that the informant Dimpal Devi was married with Prince Choudhary (petitioner) on 05.03.2018. After some days, her father-in-law Bipin Choudhary, mother-in-law Rinku Devi and her husband Prince Choudhary put pressure for demand of Motorcycle and gold chain in dowry and on refusal, the petitioner alongwith co-accused persons used to assault and torture her. Her father knowing the matter tried to pacify the matter but no effect on



the accused persons. Thereafter, her father-in-law Bipin Choudhary started doing illegal act with her and on 30.09.2018 at about 4.22 P.M. gave sweet her and after eating the sweet, she became unconscious then her father-in-law committed rape with her and when gained conscious at 5.00 P.M., she narrated the matter to her husband then her husband started to abuse her. Thereafter, her father-in-law, cousin father-in-law, mother-in-law including her husband poured Kerosene Oil on her and her mother-in-law by using stick of match box set fire, causing badly burnt injury. Thereafter, nearby people arrived there and informed her *Mayka* then they treated her at Sadar Hospital, Sasaram. Thereafter, on 01.10.2018 they were taken her away at Kumar Nursing Home, Raj Colony, Sasaram, for better treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no overt act alleged against the petitioner. The petitioner is the husband of the victim.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R. He is the husband of the victim. The victim lady was raped by her father-in-law Bipin Choudhary. When the victim narrated the matter to her husband (petitioner) then this petitioner abused her. Thereafter, co-accused Bipin Choudhary (father-in-law), Sanjay Choudhary (cousin father-in-law), Rinku Devi (mother-in-law) and her husband Prince Choudhary (petitioner) poured Kerosene Oil upon the victim and Rinku Devi (mother-in-law) by using stick of Match-box set fire on her.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Kargahar P.S. Case No. 375 of 2018, pending in the court of learned A.C.J.M., Sasaram, Rohtas. Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered and disposed of on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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