

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16870 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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MAYANK KUMAR Son of Ram Nihor Ram Resident of Village - Sirbit, P.S.-
Chainpur, Distt.- kaimur, (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahavir Ram, Son of Late Jagarnath Ram Resident of Village - Matiyari,
P.S.- Ramgarh, Distt.- Kaimur, (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-07-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 418 of 2018 registered under Sections

307,341,380,452 and 504 of the Indian Penal Code.

Allegation against the petitioner, as per complaint lodged
by the father-in-law of the petitioner, is that marriage of
daughter of the complainant was solemnised with the petitioner
on 14.05.2015 and petitioner along with other family members
used to demand dowry and torture her. Further allegation is that
on 09.04.2018, the petitioner along with 4-5 unknown persons
came in the house and demanded Rs. 10 lacs from the
complainant and threatened that if the same is not paid, he
would dissolve the marriage and would not keep his daughter. It



has further been alleged that on 12.04.2018, petitioner again came with 4-5 unknown persons in the house of the complainant at about 11:O'clock and at the point of gun, took away Rs. 2 lacs cash, jewelry after breaking open the box and also open fire but that did not hit him.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case with oblique motive inasmuch as daughter of the complainant/O.P.No. 2 had earlier lodged a complaint under Section 498A of the Indian Penal Code against the petitioner, in which this Court was pleased to grant anticipatory bail vide order dated 06.03.2019 passed in Cr.Misc. No. 13703 of 2019. He further submits that after the complaint filed by the daughter of the complainant, the complainant has also lodged the present complaint against the petitioner alleging false and concocted story against him.

On the other hand, learned counsel appearing on behalf of the O.P.No. 2 vehemently opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender as earlier he had tortured the daughter of the O.P.No.2 and in order to extract money from the O.P.No. 2, he entered into the house of the complainant and committed the present offence.



After having heard learned counsel for the parties and taking into consideration the fact that earlier complaint was filed by the daughter of the complainant under Section 498A of the Indian Penal Code in which a co-ordinate Bench of this Court has granted privilege of anticipatory bail to the petitioner and after some time, present complaint has been filed by the O.P.No. 2 against the petitioner alleging that petitioner along with others entered into the house of O.P.No. 2 and committed loot etc. as such I am inclined to grant anticipatory bail to the petitioner.

Accordingly, provisional bail granted by order dated 26.03.2019 to the petitioner is hereby confirmed and the bail bond furnished by the petitioner in the court below shall be treated to be bond furnished pursuant to this order.

(Anil Kumar Sinha, J)

sujit/-

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