

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32351 of 2019

Arising Out of PS. Case No.-76 Year-2013 Thana- MAHILA P.S. District- Rohtas

Rajesh Kumar @ Rajesh Kumar Bind @ Rajesh Bind, S/o- Satyanarayan
Bind R/o Village- Nawadih, P.S.- Karamchat, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, D/o- Ram Shakal Bind R/o Village- Bajadhi, P.S.- Chenari,
District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 21-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No.76 of 2013, for the offence punishable
under Sections 498(A), 406, 323, 341, 504, 34 of the Indian
Penal Code.

The allegation against the petitioner is that marriage
of the informant was solemnized with the petitioner about five
years back from the date of institution of First Information
Report. It has further been alleged that after some time, the
petitioner along with other family members started demanding a
motorcycle from the informant and her family members as



dowry and due to non-fulfillment of the same, subjected the informant with torture and cruelty.

Mr. Ashutosh Tripathi, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as the informant has solemnized marriage with another person about three years back. Learned counsel referring to Annexure-2 submits that in fact on 22.10.2013, a Panchayati was held and both the parties appeared before the Panches and have agreed to separate themselves and a sum of Rs.1,55,000/- was paid by the petitioner in favour of the informant-Opposite Party No.2. Learned counsel further submits that after receipt of the amount, agreed between the parties the present case has been filed on 12.12.2013 with *mala fide* intention and in order to harass the petitioner.

Learned counsel further submits that a notice was issued to Opposite Party No.2 but despite service of notice, she has chosen not to appear before this Court.

Having regard to the submissions made by the parties and taking into consideration the fact that the allegation against the petitioner is general and omnibus in nature and Annexure-2 is the agreement between the parties in which informant has



received a sum of Rs.1,55,000/-, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, Rohtas, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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