

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29009 of 2019

Arising Out of PS. Case No.-8514 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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DINESH RAI (Mahto) S/o Naresh Rai Resident of Village- Muradpur, P.S.-
Birpur, District- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Neelam Devi D/O Jogo Rai (Mahto), Resident of Village-Muradpur, P.S.-
Birpur, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.8514C/2013 registered for offences punishable under Sections 498A, 323 of the Indian Penal Code and Section 4 of the D.P.Act.

Allegation against the petitioner is of demand of dowry and for non-fulfillment of the same, complainant was subjected to torture and harassment. It further appears that on appearance of the O.P.no.2, the matter was sent to the mediation , however, it appears from the mediator report at flag 'M' that the petitioner has not appeared before the mediator in spite of assurance given in the court that he will appear in the court.



Submission of the learned counsel for the petitioner is that due to communication gap, he could not appear and further submission is that earlier the complainant had lodged a case against the petitioner under Sections 365, 366, 376 and other Sections of the IPC, in which final form has been submitted and as a matter of fact the complainant is married with another person and she had a child from previous husband, she has made false allegation against the petitioner. He has also drawn my attention towards annexure- 2.

Heard learned A.P.P. and the learned counsel for the O.P.no,2 who has opposed the prayer for bail on the ground that the O.P.no.2 has appeared and the petitioner has not not appeared. It is also submitted that the petitioner is also married from before and O.P.no.2 is also married from before and knowing very well the petitioner has solemnized marriage with the O.P.no.2 and now for the demand of dowry she was not allowed to live with the petitioner whereas the O.P.no.2 is ready to reside with the petitioner .

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed and order dated 2.5.2019 passed by the Co-ordinate Bench granting provisional bail to the petitioner is affirmed.



With the aforesaid direction, this application is
disposed of.

(Vinod Kumar Sinha, J)

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