

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29662 of 2019

Arising Out of PS. Case No.-586 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Chandradev Prasad, Son of Late Janki Prasad, Resident of Village - Hasni,
P.S.- Chandi, Distt – Nalanda. Petitioner/s

Versus

1. The State of Bihar.
2. Shanti Devi, Wife of Chandradev Prasad, Resident of Village - Hasni, P.S.-
Chandi, Distt - Nalanda. At present Address - Shanti Devi D/o Late
Rameshwar Prasad, R/v - Sherpur, P.S.- Harnaut, Distt - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No.586-C of 2018, disclosing
offences under Sections 498A, 323, 406 of IPC and Section 3/4 of
Dowry Prohibition Act.

Allegation as per complaint petition lodged by the
complainant-wife is that petitioner has performed second marriage
and she was subjected to torture and harassment by the petitioner and
also by his sons.

Submission of the learned counsel for the petitioner is that
as a matter of fact, the marriage was solemnized 35-40 years ago.
Petitioner is aged about 70 years and the complainant is aged about
63 years and with the consent of the opposite party no.2, the
complainant, the petitioner has solemnized second marriage.
However, it appears that due to the instigation of the villages, she



lodged the present case. She is still residing in his house, which will appear from the statement on Solemnly Affirmed, which is at Annexure 1 page 16, in which she has categorically stated that she is residing in the house of his father-in-law.

Heard learned A.P.P. also.

In this case, notice was issued to the opposite party no.2-complainant and from the office note, it appears that she has received the same and Vakalatnama has also filed on her behalf, but nobody appears on her behalf.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif, in connection with Complaint Case No.586-C of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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