

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31301 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- MAHILA PS District- East Champaran

Rahul Kumar, Aged about 19 years, Male, Son of Sri Nath Bhagat, Resident of Village - Khajuriya, P.S.- Govindganj, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi, Aged about 39 years, Female, W/o Rahul Kumar, Resident of Village - Khajuriya, P.S.- Govindganj, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-05-2019 Heard both sides.

Petitioner apprehends his arrest in Mahila P.S. Case No.53 of 2018, registered under Sections 341, 342, 323, 504, 354(B), 379, 498(A), 494 and 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

The informant alleged that the petitioner solemnized marriage with her five years ago in a temple but when the informant went to the house of the petitioner on 20.05.2018, the informant found a woman inside the house of the petitioner. On inquiry, the informant came to know that the woman is the wife of the petitioner. The informant alleged that the petitioner and other family members drove her out from the house after



snatching her belongings and they also demanded additional dowry.

Learned counsel for the petitioner submits that petitioner never solemnized marriage with the informant. She is mother of four children. The occurrence is said to have taken place on 20.05.2018 but the FIR was lodged on 31.08.2018.

Learned counsel for the informant alongwith the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submitted that even in the Aadhar Card of the child of the informant, the name of the petitioner is mentioned in the column of father. After marriage the petitioner had relation with the informant, therefore, the petitioner does not deserve anticipatory bail but it appears that the informant herself stated that five years ago her marriage was solemnized with the petitioner in a temple and the informant has got four children from her first husband. The petitioner denied the factum of his marriage with the informant.

Considering the facts aforesaid and nature of allegations made against the petitioner, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Mahila P.S. Case No.53 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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