

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28705 of 2019

Arising Out of PS. Case No.-202 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Abhishek Kumar, Son of Jai Prakash Singh @ Munna Singh Resident of Village-Madhubani Ashram, P.S.-Chiraiya, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nikki Kumari, Wife of Abhishek Kumar Resident of Village-Madhubani Ashram, P.S.-Chiraiya, District-East Champaran at Motihari, At present Nikki Kumari, D/o Shri Amresh Singh, Resident of Village and P.O-Tinkoni, P.S-Darpa, District-East Champaran at Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 28-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Complaint Case No.C-202 of 2018 in which cognizance has been taken under Sections 323 and 498(A) of I.P.C. by learned Magistrate.

The allegation against the petitioner as per the complaint is that marriage of the petitioner was solemnized with Opposite Party No.2 on 18.06.2017. It has further been alleged that at the time of marriage, gift and cash was given to the petitioner by the family members of the complainant-Opposite



Party No.2 but demand of motorcycle and furniture could not be met at that point of time and when the complainant went to her sasural, she was being tortured by the petitioner as well as other family members due to non-fulfillment of demand of motorcycle and furniture. It has also been alleged that on 09.05.2018, the accused persons tried to set her on fire by pouring kerosene but on interference of nearby neighbours, she could be saved and lastly accused person ousted the complainant from her matrimonial home.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case based upon *mala fide* complaint inasmuch as complainant is not willing to live with the petitioner in her sasural. Learned counsel further relying upon Annexure-2 and submits that petitioner is ready to keep Opposite Party No.2 as his wife inasmuch as a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal right has been filed by the petitioner before the Principal Judge, Motihari, East Champaran in Matrimonial Case No.183 of 2018, just after filing of this application by the petitioner, the present complaint has been lodged.

Learned counsel for the petitioner further submits that this Court was pleased to issue notice to Opposite Party No.2 but



despite service of notice, she chose not to appear before this Court.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the allegation against the petitioner is general and omnibus in nature and entire family members of the petitioners have been made accused in this case and despite service of notice, the opposite Party No.2 chose not to appear before this Court, as such, 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. (Raxaul), East Champaran at Motihari, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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