

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34472 of 2019

Arising Out of PS. Case No.-1588 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chandra Bhushan Kumar Son of Atma Deo Mahto Resident of Village -
Paschimi Siswa Nuniya Tola, P.S.- Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ranju Devi wife of Chandra Bhushan Kumar Resident of Village - Paschimi
Siswa Nuniya Tola, P.S.- Paharpur, District - East Champaran. Presently
resided at Daughter of Sri Bhola Mahto, Resident of Village - Kawalpur,
P.S.- Turkaulia, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for
anticipatory bail apprehending his arrest in connection with
Complaint Case No. C-1588 of 2018 registered for the offences
under Sections 498A of the Indian Penal Code and Sections 3/4
of the Dowry Prohibition Act.

As per the complaint petition of the complainant who
happens to be the wife of the petitioner the allegations are that
the marriage took place on 15.06.2016 and soon thereafter, the
accused persons started to torture her. She was finally ousted out



of her home by her in-laws on 16.07.2018 and finally on 06.08.2018 a complaint was filed which was registered as Complaint Case No. C-1588 of 2018 in the Court of the learned Chief Judicial Magistrate, Motihari, East Champaran.

It has been submitted on behalf of the petitioner that the allegations as made in the complaint are false and concocted. In fact it was the complainant who deserted the petitioner for which a petition for divorce was filed by the petitioner which was registered as Divorce Case no. 144 of 2018 in the Family Court, Motihari, East Champaran. It was after filing of the divorce case on 16.05.2018 that the instant complaint has been filed by the complainant on 06.08.2018

The learned APP for the State opposes the application by submitting that the petitioner happens to be the husband of the complainant and there is allegation against him in the complaint petition.

Having heard the counsel for the petitioner and the learned APP for the State and taking into account all the facts and circumstances specially the fact that the instant complaint was filed much after the petitioner's case for divorce was filed, I am inclined to enlarge the petitioner on bail. Let the petitioner namely, Chandra Bhushan Kumar surrender in the Court below



within six weeks from today. In case of his arrest or surrender, the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar Motihari, East Champaran in connection with Trial No. 2241 of 2019 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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