

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36909 of 2019

Arising Out of PS. Case No.-537 Year-2018 Thana- KOTWALI District- Munger

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BHIM KUMAR SINGH @ BHIM KUMAR Son of Chamru Singh Resident
of Village - Chandrika Asthan, Tikarampur, P.S.- Kotwali (Basudeopur),
District- Munger

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kavita Kaurvi D/O- Muniyappa Kauravi Resident of 425, Narsapur, Ashraj
Colony, Betgiri, P.S.- Betgiri, District- Gadak, Karnataka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 498A of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of demand of
dowry.

Learned counsel for the petitioner submits that he is
innocent and has been falsely implicated in this case by the
informant. He submits that a false, fabricated and concocted
story grown up of the fertile brain of the informant only with a
view to extort money from the petitioner and his family



members after lodging false case. He submits that the date of birth of the informant is 13.05.1987 and her husband name is Muniswammi as evident from the Adhar Card of the informant at Annexure-2. He submits that the date of birth of the petitioner is 10.10.1997 which is evident from the Adhar Card at Annexure-3. He submits that the informant has further filed the Adhar Card in which date of birth of the informant is 21.07.1997 and father's name is Muniyappa Koravi. Learned counsel for the petitioner submits that the informant is more 10 years younger than the petitioner and also the informant is the mother of two children and she had already performed two marriage from two different persons. Learned counsel for the petitioner submits that petitioner came in contact of the informant through the chatting on the Facebook in the month of December, 2017 and thereafter the informant being a married lady took the petitioner in the grip of her love as also allured the petitioner for doing a job. In this connection, the informant came at Munger and stayed in Hotel Raj Palace, Munger and took the entire original certificates of the petitioner for doing the job of the petitioner. Learned counsel further submits that the case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of **Md. Naimul Haque**



Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the Complaint/FIR.

Learned counsel for the informant submits that due to mistake in the Adhar Card her husband name has wrongly been mentioned as Muniswammi whereas Muniswammit is the father of the informant and the date of birth of the informant is 21.07.1997.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Munger in connection with Munger Kotwali Police Station Case No. 537 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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