

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38302 of 2019

Arising Out of PS. Case No.-485 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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Durgesh Rai aged about 30 years, Gender-Male, Son of Bacha Rai, Resident of Village- Mohabbat Parsa, P.S.- Rivilganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mala Devi W/o Durgesh Rai, Resident of Village- Mohabbat Parsa, P.S.- Revilganj, District- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 20-09-2019 Heard learned counsel appearing for the parties and
learned counsel appearing for the State.

The petitioner apprehends his arrest in connection with the Complaint case no. 485/17 in which cognizance under Section 498A of the IPC has been taken.

The allegation against the petitioner as per the complaint is that the complainant was married with the petitioner in the year 2014 and she lived in her matrimonial home for sometime and after sometime subsequently the petitioner and other family members of the petitioner started demanding a sum of Rs. 50,000/- in cash and a color TV as dowry from the complainant and her family members and due to



non-fulfillment of the same the complainant was being tortured mentally and physically by the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner is ready to keep the informant as his wife however she is not willing to live with the petitioner. Learned counsel referring to para 9 of this petition submits that the complainant is not ready to live with the petitioner due to the reason stated therein. Learned counsel also submits that notice was issued to the O.P. No.2 i.e. the complainant but despite service of notice she did not appear before this Court.

Having regard to the submissions made by the parties and taking into consideration the fact that the allegation against the petitioner is general and omnibus in nature and despite service of notice the complainant i.e. O.P. No.2 did not appear before this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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, Saran at Chapra, in connection with Complaint Case No. 485/17 Tr. No. 2497 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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