

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34847 of 2019

Arising Out of PS. Case No.-621 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VARUN SHANKAR, S/o Vijay Shankar @ Vijay Shankar Lal, Resident of
Village- Mahodipur, House no.708, Gorakhpur, near State Bank Training
Centre, P.S.- Cant Tahsil, District- Gorakhpur (U.P)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibha Rani W/o Varun Shankar, D/o Sri Santosh Kumar Naihari Resident of
Village- Chanpatia Bazar, Chiran, Chowk, Bhola, Tola, P.S.- Chanpatia,
Dist- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 18-10-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 621C/2017 in which cognizance under

Sections 323/498A of the Indian Penal Code and Sections 3 and

4 of the Dowry Prohibition Act.

Allegation against the petitioner, as per complaint, is that
marriage of the petitioner was solemnised with the complainant
on 19.11.2008 and after marriage, she gave birth to two female
children and one of them died and one daughter survived who is
aged about 5 years old. It has further been alleged that the
petitioner along with other accused persons used to taunt upon
the complainant for not giving birth to a male child. It has



further been alleged that a sum of Rs. 2 lacs has been demanded by the petitioner and his family members from the complainant and her family members as dowry and due to non-fulfillment of the same, the complainant has been tortured mentally as well as physically.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case inasmuch marriage was solemnised much earlier in 2008 and out of wedlock one child was also born. He further submits that petitioner is ready to keep the complainant as his wife as stated by him in paragraph-6 of the petition but the complainant is reluctant to perform her marital obligation. Learned counsel further submits that despite notice having been issued and served upon the O.P.No. 2, she has chosen not to appear before this Court.

Having regard to the submissions made by the parties and taking into consideration the fact that allegation against the petitioner is general and omnibus in nature and despite service of notice, the complainant chose not to appear before this Court, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks



from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Complaint Case No. 621C of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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