

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37380 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- RAXAUL District- East Champaran

Amit Bhupal @ Amit Kumar Bhupal Son of Kamlesh Agarwal Resident of
Ward No. 16, R.N. Dutta Road, Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Prince Kumar Mishra, Advocate
For the State	:	Mr.Uday Chand Prasad, APP
For the informant	:	Mr. Anshu Dhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

The petitioner seeks pre-arrest bail in connection with
Raxaul P. S. Case No.18 of 2019 registered under Sections 341,
323, 307, 504 and 498-A/34 of the Indian Penal Code.

It is contended by the learned counsel for the
petitioner that the informant was married to the petitioner on
11.07.2007 and out of wedlock, one son was born on
09.11.2010. For more than ten years, no complaint whatsoever
was made by the informant with regard to demand of dowry till
lodging of the instant case on 19.01.2019. It is further contended
that the informant was living with the petitioner at Kolkata who



works in India Oil Corporation as Manager. He was keeping the informant and his son with due respect and dignity. She has alleged that on 18.01.2019 at 5 p.m., the petitioner along with his father brought her from Forbesganj to Raxaul on a vehicle and, thereafter, assaulted her there. In this regard, it has been contended that the allegation made is absolutely false as on the relevant date the petitioner was present in Kolkata at his office. He has drawn my attention towards a certificate issued by the Chief Manager (Co-ordination) Indian Oil Corporation as well as the attendance register to substantiate his submission that the allegations of assault on 18.01.2019 in the night is false.

On the other hand, learned counsel for the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He contended that the petitioner and his father had assaulted the informant as a result of which she has sustained injuries over her face and other parts of her body. He contended that the certificate annexed to the present application in order to take a plea of *alibi* is yet to be verified by the police in course of investigation.

Learned Additional Public Prosecutor for the State submitted that the allegations made in the FIR are quite serious and the petitioner does not deserve grant of pre-arrest bail.



Regard being had to submissions made on behalf of the parties, specially the fact that the FIR has been instituted admittedly after more than 10 years of the marriage and the petitioner having roots in the society is reportedly a man of clean antecedent, in the event of arrest or surrender before the court below, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul at Motihari in Raxaul P. S. Case No.18 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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