

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62066 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- GURARU District- Gaya

Chintu Kant Bharti, Son of Shiv Dayal Prasad, Resident of Village- Tepa,
Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ansu Lata @ Rani, D/o- Uday Prasad, R/o-Village-Matuk Bigha, P.S.-
Guraru, District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Sr. Adv. Mr. Arvind Kumar Singh, Adv.
For the Informant	:	Mr. Krishna Prasad Singh, Adv.
For the State	:	Mr. J.N. Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 10-07-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 307 and 379/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Anshu Lata @ Rani, dated 19.06.2018 submitted to the Station House Officer, Guraru Police Station, is to the effect that the informant was married with the petitioner on 04.02.2018, but subsequent to the marriage, further dowry demand of Rs. 10 lacs was made and due to non-fulfillment of the same, on 12.05.2018, the



mother and the elder brother of the petitioner assaulted the informant and tried to kill her by putting her on fire, but somehow she escaped from the scene.

Learned Senior Counsel for the petitioner submits that the marriage of the petitioner was never been performed with the informant. The petitioner, being a Loco Pilot was on duty on 02.02.2018, but some miscreants attacked and not only robbed the petitioner and other co-loco pilot but also caused injury to the petitioner, leading to registration of Bakhtiyarpur Rail P.S. Case No. 07 of 2018 with accusation under Section 394 of the IPC. The petitioner, due to his injuries, had been admitted in the Danapur Rail hospital from 02.02.2018 to 20.03.2018, which gets reflects from the fitness certificate issued by the hospital, as contained in Annexure-4. It is further submitted that in the counter affidavit filed in the present proceeding, it has maliciously been mentioned that the marriage was performed on 04.02.2018 in Danapur Rail hospital. Other similarly situated co-accused, mother and the brother of the petitioner have been granted privilege of anticipatory bail by the learned Court below itself vide order dated 04.09.2018, passed in A.B.P. No. 2515 of 2018/217 of 2018.

Mr. Krishna Prasad Singh, learned counsel for the



Informant submits that there is no contradiction between the FIR and the counter affidavit as in the FIR the place of marriage has not been disclosed. Moreover, the contention of the informant that her marriage was performed in Danapur Rail Hospital while the petitioner was admitted due to his injuries, has been stated by several witnesses during investigation, hence, at least, for saving the informant from vagrancy and destitution, some monthly payment may be directed to be made by the petitioner.

Learned APP, after going through the case diary, submits that several witnesses have suggested about the marriage being performed between the petitioner and the informant in Danapur Rail Hospital.

Considering the factum of dispute with regard to the marriage and the report of the In-Charge ACJM-V, Gaya dated 15.01.2019, which suggests that in fact no injury was caused to the informant as neither any requisition was made by the I.O., nor any injury report is on record, coupled with the fact that co-accused persons have been granted privilege of anticipatory bail by the learned Court below itself, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks



from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Gaya in connection with Guraru P.S. Case No. 120 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

It is made clear that this Court has not observed anything with regard to the factum of marriage between the petitioner and the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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