

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42681 of 2019

Arising Out of PS. Case No.-1166 Year-2017 Thana- SIWAN COMPLAINT CASE District-
Siwan

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AAKASH PRASAD KHARWAR Son of Rajaram Prasad Resident of Village-
Titara, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Devi D/o Kiran Prasad Kharwar Resident of Village-Tikari, P.S.-
Hussainganj, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-11-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 1166 of 2017 in which cognizance under

Sections 498A and 323 of the Indian Penal Code and 4 of the

Dowry Prohibition Act has been taken by the learned

Magistrate.

Allegation against the petitioner, as per complaint, is that

marriage of the petitioner was solemnised with the

complainant/O.P.No. 2 on 22.02.2015, but after some time, the

petitioner and other family members started demanding a cash

of Rs. One lac and washing machine from the complainant and

her family members and due to non-fulfillment of the same, the

complainant was being tortured physically as well as mentally.

Learned counsel appearing on behalf of the petitioner

submits that petitioner is not the husband of O.P.No. 2 and he



denies the factum of marriage, as would be evident from Annexure-2, which is a certificate granted by Mukhia and Sarpanch of the village. Learned counsel further submits that despite service of notice upon 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 upon O.P.No. 2, she has chosen 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 SDJM, Siwan in connection with Complaint Case No. 1166 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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