

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45790 of 2019

Arising Out of PS. Case No.-384 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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RAJU KUMAR Son of Ram Bilash Sahni Resident of Village - Boria mahthi
Mohanpur, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Arti Devi Wife of Raju Kumar, D/o Bindeshwari Sahni, Resident of Village -
Boria Mahthi Mohanpur, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Complaint Case NO. 384C of 2017, disclosing offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

It is alleged in the complaint case that the petitioner is husband of the complainant/Opposite party No.2, who has indulged in torturing the complainant mentally and physically for demand of dowry.

The petitioner has disputed the very existence of marriage in the application seeking anticipatory bail. He has contended that in any case, a dispute, matrimonial in nature, has been given colour of a criminal case.



Learned counsel appearing on behalf of the Opposite party No.2, on the other hand, has submitted that as the Court below has taken cognizance of the offence after perusing the complaint petition and the statement of the complainant on Solemn Affirmation, the plea on behalf of the petitioner that marriage was not solemnized, need not be looked into by this Court in the present proceeding for grant of anticipatory bail.

It is evident from the complaint case that dispute between the parties is of matrimonial nature. On the one hand, the complainant is claiming to be married to the petitioner, the petitioner is denying such relationship.

Considering the facts and circumstances, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Begusarai in Complaint Case No. 384C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive



occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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