

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48777 of 2019

Arising Out of PS. Case No.-1198 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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BABUNDER KUMAR BIND Son of Surendra Prasad Resident of Village -
Dharahara, P.S.- Durgawati, Dist.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Mamta Devi Wife of Babunder Kr. Bind, D/o Dinesh Bind Resident of
Village - Ballipur, P.s.- Kudra, Dist.- Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan
For the Opposite Party/s	:	Mr. Gulnar Begum
For O.P. No. 2	:	Mr. Saroj Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-11-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 1198 of 2018, disclosing offences under
Sections 341, 323, 498(A), 406 of the Indian Penal Code and Section
3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant and
allegation against him is of subjecting the complainant to torture with
respect to demand of golden chain and motorcycle.

Submission of learned counsel for the petitioner is that
entire allegation is false and concocted, which will appear from the
fact that one side, she has made allegation of demand of dowry and
on the other side, she has made allegation that petitioner is heroine
addict and used to assault her and the real fact is that petitioner is
still ready to keep her but it is the complainant, who is not ready to



live with the petitioner.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner and submitted that due to cruelty and assault by the petitioner, complainant is not ready to reside with the petitioner.

Having heard both sides, considering the facts and circumstances of the case and also the fact that cognizance has been taken and there is no chance of tampering with the evidence, as such, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Kaimur, Bhabhua, in connection with Complaint Case No. 1198 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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