

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58717 of 2019

Arising Out of PS. Case No.-1098 Year-2012 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rambabu Poddar Son of Late Ram Bilas Poddar Resident of Village -
Manwara, P.S.- Khanpur, District - Samastipur, at present A-47, Naharpur
Gaon Sector-7 Rohini, P.S.- Rohini, North, West Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Phul Kumari Daughter of Bhola Poddar Resident of Mohalla - Prabhu
Thakur, Ward no. 8 Nagar Panchayat Rosera, P.S.- Rosera, District -
Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned

APP representing the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1098 of 2012, registered under
Sections 498A and 323 of the Indian Penal Code and Section 3/4
of Dowry Prohibition Act.

The allegation against the petitioner, as per the
complaint, is that the petitioner was married to O.P. No.2 on
01.07.2011. It has further been alleged that after sometime
petitioner as well as other persons started demanding Hero
Honda Motorcycle from complainant and her family members,



due to non-fulfillment of the same they tortured the complainant mentally as well as physically.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, based upon concocted story.

Learned counsel for the petitioner relying upon annexure-2 of this application submits that O.P. No.2 i.e. complainant had filed divorce suit against the petitioner in which she has got ex-parte decree of divorce from the Family Court, Samastipur in Divorce Case No. 274 of 2014 on 26.11.2015.

Learned counsel for the petitioner further submits that from perusal of annexure-3 series, it would be evident that the O.P. No.2/complainant has married with some other person, namely, Ram Kumar, after obtaining decree of divorce. He further submits that the petitioner is residing at Delhi, as it would be evident from complaint, but village address of the petitioner has been mentioned in the complaint and all the notices/summons have been addressed at the village address, hence, petitioner did not receive the same.

After having heard learned counsel for the parties and taking into consideration the fact that O.P. No.2/complainant



has taken divorce from the petitioner on the basis of ex-parte decree passed by the Family Court, Samastipur, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Complaint Case No. 1098 of 2012; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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