

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3663 of 2019

Arising Out of PS. Case No.-320 Year-2018 Thana- GOGRI District- Khagaria

VIVEK ANAND, aged about 21 years, Male, S/o Munsu Choudhry @ Bir Prakash Choudhry @ Bir Prakash Jaishwal, R/o village- Chhotichack, P.S.- Gogri, District- Khagaria ... Appellant

Versus

THE STATE OF BIHAR ... Respondent

Appearance :

For the Appellant : Mr. Bharat Bhushan, Adv.
For the State : Mr. Usha Kumari I, APP
For the Informant : Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 04-12-2019 Heard the learned counsel for the appellant, the learned counsel for the informant and the learned counsel appearing for the State.

This appeal has been preferred against the order, dated 31.07.2019, passed in Gogri P.S. Case No. 320 of 2018 by the Court of Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Khagaria, whereunder the prayer of the regular bail of the appellant has been refused.

The facts, narrated in the first information report, is that in the evening of 24.09.2018, informant, Kajal Devi, along with her maternal grand-mother went at her sasural, where her husband, Vivek Anand (appellant), father-in-law, Munsu Choudhary, mother-in-law, Renu Devi and Manju Devi started to cause assault taking her caste name and removed her from matrimonial house saying that unless she will not come with a cash of Rs.5,00,000/-, she will not be permitted to live. At that time, they all were abusing denoting her dusadh.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner was on police bail and, thereafter, on receiving the summon for appearance, the appellant surrendered on 31.07.2019 and prayed for bail, but, his prayer for bail is refused, since, then appellant is in custody.

The learned counsel appearing for the informant, Kajal Devi, submits that initially she was kidnapped by the appellant and Gogri P.S. Case No. 130 of 2016 was instituted by her father, thereafter, appellant became ready to perform marriage and, thereafter, the informant was taken to the house of the petitioner, but, she was tortured, due to that reason the present case has been lodged. The petitioner appears to be in custody since 31.07.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Gogri P.S. Case No. 320 of 2018 to the satisfaction of the Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Khagaria.

The criminal appeal stands allowed.

(Rajendra Kumar Mishra, J)

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