

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69013 of 2019

Arising Out of PS. Case No.-450 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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KUNDAN KUMAR BARNWAL, 25 Y/M, Son of Sri Anirudh Prasad,
Resident of Mohalla-Naurangabag, Bettiah, P.S.-Bettiah Town, District-West
Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Puja Barnwal, Wife of Kundan Kumar Barnwal, Daughter of Sri Santosh Prasad Barnwal, Resident of Raxaul, Naga Road, P.S.-Raxaul, District-East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Umesh Chandra Verma, Advocate.
For the State	:	Mr.Uday Chand Prasad, A.P.P.
For the O.P. No. 2	:	Mr. Rakesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323, 498(A),494/34 of the IPC
and ³/₄ of the D.P. Act.

The prosecution story, in brief, is that on 07.07.2016,
the informant was married to the petitioner in accordance with
Hindu rites and rituals and on the occasion of marriage, her
father spent about Rs. 4,60,000/- and after marriage, she stepped
into her matrimonial home where she was kept well for about



three months and thereafter all the eight named accused persons including the petitioner started lashing out cruelty for non-fulfilment of demand of Rs. 2,00,000/- and a Apache Motorcycle. Whenever she expressed her father's inability to fulfill demand, she was assaulted and was deprived of even necessary food. On information, her parents came to her matrimonial home for reconciliation but they remained persistent in their demand and ultimately ousted her from her matrimonial house but on 30.11.2016, the petitioner took her back giving assurance of keeping her well. Their assurance was false one and on 02.12.2016 she was assaulted in pregnant condition causing miscarriage on 31.12.2016 and thereafter she again took shelter at her parental house. On the date of complaint i.e., 28.05.2019, she came to know that her husband had remarried with Seema Devi at Bhangaha Mandir.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 27.08.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the



husband of the victim. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah, in connection with Bettiah Town P.S. Case No. 450 of 2019.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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