

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84925 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- MAHILA P.S. District- Patna

SHYAM KUMAR Son of Sudisht Kumar Purbey, Resident of Ambika Bhawan, Lallu Babu Ka Kuncha, P.S.- Chowk, Distt- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Harsha Rani D/o Arun Kumar, W/o Shyam Kumar R/o Bhagwat Nagar (90ft. Road)(Behind fountain), P.S.- Agamkuan, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shama Sinha
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 498A/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Informant in her written complaint has alleged that her marriage was solemnized with petitioner on 27.01.2019 and she remained in her matrimonial home from 28.01.2019 to 04.02.2019 and 23.02.2019 to 17.03.2019 and thereafter she went to her parental home. Thereafter, she was mentally tortured for non-fulfillment of demand of dowry.



It has been submitted on behalf of the petitioner that allegation of demand of dowry and torture is false and concocted. Soon after marriage, it was found that the girl is mentally unstable and, thereafter, he filed a case under Section 12 of Hindu Marriage Act for annulment of marriage on 27th July, 2019 as the same was obtained by practising fraud and suppressing the facts and present case has been filed in the month of December, 2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila P.S. Case No.121/2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his



absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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