

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8234 of 2020

Arising Out of PS. Case No.-429 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

=====

RAMJI BIND S/o Late Shiv Kumar Bind R/o village- Parsuram Pur, P.S.-
Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Devi, w/o Bhabhuti Bind, vill-Rupapatti, PS-Chainpur, Dist-Bhabhua

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Mohania PS case no. 429 of 2019 registered for the offences punishable under Sections 323, 341, 504, 498A/34, 363 of Indian Penal Code.

The case of the prosecution in brief is that the daughter of the informant namely Savitri Devi was married about 18 years ago with Ghurpat Bind and sufficient dowry was paid. It is further alleged that the accused



persons who are the in-laws and husband of the daughter of the informant used to beat and mentally torture the daughter of the informant on account of non-fulfilment of the demand for dowry. It is also alleged by the informant that she received information in the evening of 10.09.2019 that her daughter Savitri Devi has been beaten by the accused persons on 05.09.2019 and has been thrown out of the house, whereafter the informant is stated to have gone to the matrimonial home of her daughter, whereupon the accused persons started abusing the informant and stated that they do not know about the whereabouts of her daughter.

The learned counsel for the petitioner submits that the petitioner is the father-in-law of the victim girl and is having a fair antecedent, inasmuch as he is an accused only in one other case in which he is on bail. The learned counsel for the petitioner has referred to the statement made by the victim lady under Section 164 Cr.P.C. to submit that though, she has stated that the petitioner also used to beat her apart from other accused persons, except the mother-in-law, but the reason for beating her was that she was having affair with some other person. In the said statement made before the learned Magistrate, the victim lady has also stated that on 05.09.2019, she along with children



had voluntarily left her house and gone to the house of one Rita Devi who belongs to her village and is her sister in relation. It is further submitted that the husband of the petitioner had filed sanha on various occasions before the S.H.O. Mohania (Kaimur PS) regarding the disappearance of the victim girl on her own without informing any of her family members at her matrimonial home. Thus, it is submitted by the learned counsel for the petitioner that the victim lady is in the habit of fleeing away from time to time and there is no allegation of any sort of torture on account of non-fulfilment of the demand for dowry as is apparent from the statement of the victim lady made under Section 164 Cr.P.C. Lastly, it is submitted that the conduct of the victim lady has been very bad and suspicious all throughout her stay of about 18 years at her matrimonial home.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that the victim lady, in her statement under Section 164 Cr.P.C. has not alleged any sort of torture being engaged in by the petitioner on account of non-fulfilment of the demand for dowry. This Court prima facie finds that benefit of doubt can be granted to



the petitioner herein for the purposes of grant of anticipatory bail, hence this Court deems it fit and proper to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabhua in connection with Mohania PS case no. 429 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is needless to state that the grant of anticipatory bail shall not be construed to be having any precedential value for the purposes of consideration of the prayer of the husband of the victim lady for grant of bail.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

