

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10286 of 2020

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHESI District- East Champaran

Rakesh Rai, aged about 32 years (M) son of Binda Rai, resident of village- Mangrahi, P.S.- Mehshi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-06-2020 Heard Mr. Umesh Chandra Verma , learned counsel for the petitioner and Mr. Rajesh Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection with Mehshi P.S. Case No. 25 of 2019 registered for the offence punishable under Section 341, 323, 307, 349 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner is that the petitioner was married to the informant about four years back. It has further been alleged that after marriage, father- in- law of the informant demanded Splendor motorcycle and due to non



-fulfillment of the demand, all the named accused persons started torturing the informant in various ways and lastly on 12.12.2018 she was ousted from her matrimonial home. After assault, the accused persons told the informant that until the price of the motorcycle was not paid or the informant does not establish illegal relationship with co-accused Birendra Rai, she would not be allowed to stay in the matrimonial home.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case along with entire family members. Learned counsel further submits that from perusal of the F.I.R. it would be evident that general and omnibus allegation has been levelled against the petitioner. The specific allegation of dowry is upon the father of the petitioner. Learned counsel also submits that no apparent injury has been disclosed in the First Information Report and the allegation of attempt to murder is palpably false and baseless. Learned counsel referring to paragraphs- 7 and 8 of this anticipatory bail application submits that the informant has already solemnized second marriage with one Manish Rai inasmuch as informant was not happy with the present marriage with the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that no specific allegation of



assault and demand of dowry has been levelled against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Chief Judicial Magistrate at Motihari, East Champaran in connection with Mehsi P.S. Case No. 25 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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