

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17856 of 2020

Arising Out of PS. Case No.-1802 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Sanjay Kumar Pandey @ Sanjay Pandey Son of Suresh Pandey Resident of
Village-Khargram Chhapar, P.S.-Bhorey, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ragini Devi W/o Sanjay Kumar Pandey @ Sanjay Pandey Resident of
Village-Khargram Chhapar, P.S.-Bhorey, District-Gopalganj, Presently
residing at D/o Dhananjay Chaubey, Village-Bhopatpur, P.S.-Kuchaikote,
District-Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 1802 of 2019 registered under section
498A of the Indian Penal Code.

As per allegation in the Complaint, the complainant
was married to the petitioner in the year 2015. It is stated that
the complainant discovered that the previous wife of the
petitioner had been poisoned to death. It is further stated that the
accused persons started to torture the complainant and attempted



to throw her out of the house and on her resisting, they attempted to burn her by pouring kerosene oil on her.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the husband of the complainant. The allegations as levelled in the complaint are false and concocted. No injury report has been enclosed with the complaint. After enquiry the learned Court below was pleased to take cognizance only under section 498A of the Indian Penal Code. It is further submitted that the petitioner filed Matrimonial Case no. 126 of 2019 in the Court of Principle Judge, Family Court, Gopalganj on 11.6.2019 praying therein for grant of divorce and it is only thereafter on 25.7.2019 that the instant complaint has been filed making false allegations.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including filing of the divorce case by the petitioner prior to lodging of the complaint, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in



connection with Complaint Case no. 1802 of 2019 he will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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