

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16884 of 2020

Arising Out of PS. Case No.-901 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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LALAN KUMAR, S/o Krishna Prasad, R/o Mohalla- Satyarganj Islampur,
P.S. and Post- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Gupta, W/o Lalan Kumar, D/o Siyalal Sahu, R/o Mohalla- Satyarganj Islampur, P.S. and Post- Islampur, District- Nalanda . At present residing at Mohalla Prasadbiga, Behind of Canara Bank, Nawada, P.S. and Distt.- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-08-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 498A, 323, 307, 379 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case by the complainant with a false and concocted story. The petitioner is the husband of the complainant and he never demanded any dowry nor he tortured the complainant. The petitioner is an employee of the Defence Ministry, Govt. of India on the post of Junior Auditor. The petitioner filed Matrimonial Case no. 453 of 2018 under Section 13 of the Hindu Marriage Act for dissolution of marriage before the court of learned Principal Judge, Family Court, Patna on 09.05.2018. After knowledge of the above case the complainant filed the present case on 18.08.2018 against the petitioner and other family members. The petitioner has got no criminal antecedent.

He further submits that after filling of the present case the complainant filed a petition on 06.11.2018 under Section 125 of the Cr.P.C. before the court of learned Principal Judge, Family Court, Nawada bearing Misc. Case No. 149 of 2018. He further submits that the complainant also filed a maintenance case before the Family Court, Patna under Section 24 of the Hindu Marriage Act on 30.01.2019 and the court vide order dated 11.11.2019 allowed the maintenance case of the opposite party no. 2.

Learned APP for the State opposes the prayer for bail petition.



In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nawada in connection with Complaint Case No. 901C of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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