

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24772 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- ADAPUR District- East Champaran

RAM BABU KUMAR S/O Umesh Prasad Resident of Village - Gamahariya,
P.S. - Aadapur, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Anshu Piriya W/O Rambabu Kumar D/O Nawal Kishore Prasad At Present Jagir Karariya, P.S. - Kotwawa, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Abhishek Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the opposite party no. 2 through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Adapur P.S. Case no. 153 of 2019 registered under sections 498A, 341, 323, 327, 354, 379, 406 and 120B of the Indian Penal Code, sections 3 and 4 of the Dowry Prohibition Act and sections 3 and 4 of the Dyne Act.

As per allegation in the FIR, the informant was married to the petitioner in the year 2020 and it is stated that dowry had been given by the father of the informant after



selling his agricultural property. A total of Rs. 12 lakhs was spent. It is further stated that petitioner started making demand of dowry and he also had extra marital relations with others. The informant was tortured and beaten up by the accused persons including the petitioner herein. It is stated that on 26.5.2019 the accused persons including the petitioner herein attempted to burn her, however, as a result of 'hulla' raised by the informant, her co-villagers who were present in the village came to her rescue and she was somehow saved.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the husband of the informant. The allegation as levelled in the FIR are absolutely false and concocted. There has never been any demand of dowry nor has the petitioner tortured the informant. Referring to the materials brought on record by way of supplementary affidavit and referring to the document issued by the office of the Commandant, 57th Battalion, SSB dated 26.7.2019, it is submitted that on the alleged date i.e. 26.5.2019, the petitioner was posted on duty in District Anantnag in the State of Jammu and Kashmir.

The application for bail is opposed by learned counsel for the State and learned counsel for the opposite party



no. 2. It is submitted by learned counsel for the opposite party no. 2 that not only the petitioner is the husband of the opposite party no. 2 but is a named accused in the FIR and there is direct allegation against him of physical and mental torture and assault for demand of dowry. It is further submitted that so far as the aforesaid document dated 26.7.2019 issued by the office of the Commandant, SSB is concerned, the said document does not form part of the case diary and would require verification with respect to its genuineness. It is submitted that the allegation is not only of 26.5.2019 but is of from June 2015 onward.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that at the initial stage when the complaint was filed, no injury report has been brought on record by the informant and the aforesaid certificate dated 26.7.2019 issued by the Commandant of the SSB, 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 Adapur P.S. Case no. 153 of 2019 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

In view of the above facts and circumstances of the case, in case the documents relied on by the petitioner is found to be not genuine, it shall always be open to the Opposite Party no. 2/State to move for cancellation of bail of the petitioner.

(Partha Sarthy, J)

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