

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24444 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- KHODAWANDPUR District- Begusarai

NAYAN PRAKASH Son of Satyanarayan Prasad @ Satyanarayan Das
Resident of Village- Nurullahpur, P.S.- Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Soni Kumari Wife of Nayan Prakash, Daughter of Devnarayan Das Resident of Village- Nurullahpur, P.S.- Khodawandpur, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam
For the Opposite Party/s	:	Mr. Raj Ballav Singh
For the informant	:	Mr. Ajit Kumar Ojha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Khodawandpur Police Station Case No. 39 of 2020, registered for the offences punishable under Sections 341/323/498-A/504/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner, as per the First Information Report, is that the marriage of the informant was solemnized with the petitioner on 10.03.2018 in the Office of the Registrar of Marriage, Samastipur. It has further been



alleged that after the marriage, both the parties started living as husband and wife, but after sometime, the petitioner started torturing the informant, mentally as well as physically.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the informant is the cousin of the petitioner and the fathers of both the parties are own brothers. He further submits that both the parties are Hindu and they come under the degree of prohibited relationship under Section 4 (1) (d) of the Special Marriage Act. He further submits that the petitioner has filed Matrimonial Case No. 06 of 2020, on 16.01.2020, before the learned Principal Judge, Family Court, Begusarai, for declaration of his marriage as null and void. He further submits that the marriage of the petitioner was performed under coercion and against the free will of the petitioner.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that proclamation, under Section 82 of the Code of Criminal Procedure, 1973, has already been issued against the petitioner, as such, this anticipatory bail application is not maintainable.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact



that the petitioner has already filed a case for dissolution of marriage before the competent court and the present First Information Report has been lodged subsequent thereto, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, upon 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, Manjhaul, Begusarai, in connection with Khodawandpur Police Station Case No. 39 of 2020.

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

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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