

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43276 of 2019

Arising Out of PS. Case No.-376 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

SANTOSH KUMAR PATWA Son of Ashok Kumar Patwa @ Ashok Kumar
Resident of Saddupur Chunar, P.S-Chunar, District-Mirzapur (U.P) presently
at South of Gaurishankar Mandir (Buxar), P.S-Buxar Town, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar
2. Gudiya Kumari W/o Santosh Kumar Patwa Resident of Saddupur Chunar,
P.S-Chunar, District-Mirzapur (U.P), presently at South of Gaurishankar
Mandir, (Buxar), P.S-Buxar Town, District-Buxar.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Ram Shankar Das
For the Opposite Party	:	Mr. Nagendra Prasad, APP
For the O.P. No. 2 :		Mr. Bachan Jee Ojha

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

11 13-11-2020 Heard Mr. Ram Shankar Das, learned counsel

appearing on behalf of the petitioner, Mr. Nagendra Prasad,

learned Additional Public Prosecutor, for the State of Bihar and

Mr. Bachan Jee Ojha, learned counsel representing O.p. No.2.

This application for grant of anticipatory bail arises
out of Complaint Case No. 376-C of 2016, registered for the
offence punishable under Section 498(A) of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

It is evident from the complaint petition that
matrimonial discord is the reason behind registration of the
complaint petition though there is allegation of demand of



dowry. The petitioner and opposite party No.2 were married on 06.02.2015, as has been mentioned in the complaint petition. There is allegation in the complaint petition that the petitioner is an alcoholic.

Learned counsel appearing on behalf of the petitioner has submitted that since the case arises out of a complaint petition, there is no requirement of the petitioner for interrogation by the police. He has submitted that no tangible purpose would be served if the petitioner is taken into custody.

Learned counsel representing the complainant-opposite party No.2, on the other hand, has submitted that the Court below has rejected the petitioner's anticipatory bail application on the ground that there was no apprehension of the petitioner's arrest. Since there is no apprehension of the petitioner's arrest, this anticipatory bail application should not be maintained.

Be that as it may, considering the fact that the petitioner has been summoned in the said complaint case and the fact that the matrimonial dispute appears to be the main reason behind lodging of the F.I.R., this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within eight weeks from today in the Court



below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Buxar, in Complaint Case No. 376-C of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

