

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56354 of 2019

Arising Out of PS. Case No.-566 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. AMIT PANDEY S/o Kashinath Pandey R/o village- Agarpura, P.S.- Barhara, District- Bhojpur
 2. Kashinath Pandey S/o Late Gopal Pandey R/o village- Agarpura, P.S.- Barhara, District- Bhojpur

... .. Petitioners

Versus

1. The State of Bihar
2. Raj Kumari Devi D/o Bijay Kumar Tiwari R/o village- Nenuan, P.S.- Dhamrano. District- Buxar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajendra Singh

For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 20-02-2020 Heard learned counsel for the petitioners, learned
counsel for the Complainant and learned APP for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 323, 384, 120B, 498A and 467 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

As per the allegation in the Complaint, the petitioner no.1 was married to the O.P. No.2 in the year 2011 but soon thereafter demand of Rs. 50,000/- and motorcycle by way of dowry started and on non-fulfillment of the same, she was physically and mentally tortured by the accused persons. It is further stated that in the year 2012 the first girl child and



thereafter in the year 2013 a second girl child was born out of their wedlock. It is finally stated that the torture continued and ultimately in the year 2016 the accused persons forced her out of the house.

It is submitted by learned counsel for the petitioners that the petitioner no.1 happens to be the husband of the Complainant while the petitioner no.2 happens to be the father-in-law. After inquiry in the Complaint case, cognizance was taken only under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act. The allegations levelled in the Complaint are general and omnibus in nature and the petitioner no.1 is ready and willing to keep the O.P. No.2 with full dignity and honour. It is further submitted that both the daughters are living with the petitioner no.1, while the Complainant is living at her parents' place (Naihar).

It is submitted by learned counsel for the O.P. No.2 that there is specific and direction allegation against the two petitioners in the Complaint and the accused persons tortured the Complainant to such an extent that she is undergoing medical treatment under a psychiatrist. The counsel for the O.P. No.2 does not contest the fact that the two daughters born out of the wedlock are living with the petitioner no.1.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of allegations together with the fact that the daughters of the Complainant are living under the care of their father, the petitioner no.1, the Court is inclined to enlarge the petitioners on bail. The petitioners, above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case No. 566(C)/2016 are directed to be enlarged on bail on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

At this stage, it is submitted by learned counsel for the O.P. No.2 that inspite of her medical condition, the petitioner no.1 is not paying a single farthing to the O.P. No.2 by way of maintenance. If the O.P. No.2 files any case for grant of maintenance, in the Court below, the same shall be dealt with expeditiously.

(Partha Sarthy, J.)

amit/-

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

