

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56946 of 2019

Arising Out of PS. Case No.-1202 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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DEVMUNI BIND Son of Ram Ashish Bind Resident of Village - Denwa,
P.S.- Bhabua, District - Kaimur at Bhabua

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Manju Devi Wife of Devmuni Bind D/o Chhathu Bind, Resident of Village - Denwa, P.S.- Bhabua, District - Kaimur at Bhabua, at present Resident of Village - Jagebaraw, P.S.- Sonhan, District - Kaimur at Bhabua

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-02-2020 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of the O.P. No.2.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 323 and 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act but later on cognizance has been taken only under section 498A of the Indian Penal Code.

By order dated 09.09.2019 passed in the instant case, while issuing notice to the O.P. no.2, the petitioner was directed to be enlarged on provisional bail. Subsequently, vide order dated 04.11.2019 the notice issued to the O.P. no.2 was deemed



to be validly served.

As per the allegation in the Complaint, the petitioner was married to the O.P. No.2 in the year 2009. It is further stated that various articles by way of gift to the tune of Rs.4 lacs was given at the time of marriage. Only 6-7 months after the marriage, the accused persons started torturing the Complainant for demand of one and a half 'bhar' of gold chain and a motorcycle by way of dowry.

It is submitted by learned counsel for the petitioner that his consistent case has been to settle the differences between himself and O.P. no.2 and to keep the O.P. No.2 with full dignity and respect with him. It is further stated that in the Court below his application for bail was rejected only on the ground that no positive steps have been taken by the petitioner in this direction. It is further submitted that notices had been issued in the instant application also, however, the O.P. No.2 has chosen not to appear. The allegations are general and omnibus in nature and the O.P. No.2 has by herself out of her own volition left the house of the petitioner to live with her parents.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The provisional bail granted to the petitioner vide order dated 09.09.2019 passed in the instant case is hereby confirmed.

(Partha Sarthy, J.)

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