

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64166 of 2019

Arising Out of PS. Case No.-1459 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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JAYRAM ISHWAR @ JAYRAM ISSAR Son of Gurudev Ishwar @ Gurudev Issar (Wrongly mentioned in the complaint 28 years.) Resident of Village Gurma, P.S. Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sugam Devi Wife of Jayram Ishwar Resident of Village Gurma, P.S. Sarairanjan, District- Samastipur. At Present C/O Shyam Sundar Thakur of Village Tiwara Harilochanpur, P.S. Sarairanjan, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Complaint Case no. 1459/2018 in which cognizance has been taken under section 498A of the IPC.

Prosecution case is that the complainant was married to the petitioner on 16.04.2014 and has been subjected to cruelty at the hands of the petitioner and his family members for alleged demand of Rs one lac and Herohonda motorcycle.

Complainant has also alleged that accused persons tried to set her ablaze by pouring kerosene oil but she was saved



because she raised alarm as a result of which neighbours came and rescued her.

Counsel for the petitioner submits that from bare perusal of Annexure 2, it is apparent that on 19.02.2014 itself complaint was lodged by father of the petitioner being Complaint case no. 701/2014. Referring to ingredients in the complaint filed by petitioner's father it is submitted that in fact petitioner has been abducted and his marriage with the complainant of the instant case was solemnized forcibly.

It is also submitted that the instant case is sequel to the illegal act of the complainant and her family members and is nothing but a case of false implication.

Office has reported that notice issued earlier to the complainant (wife) was served and acknowledgement received. None, however, has appeared on behalf of the complainant.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each



to the satisfaction of the Addl. Chief Judicial Magistrate VI, Samastipur in Complaint Case no. 1459/2018 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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