

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71589 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- MAHILA P.S. District- Bhojpur

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SANJEEV KUMAR @ GUDDU @ GUDDU KUMAR Son of Bhagwan Das
Sah Resident of Village - Dharhara, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi, w/o Satish Kumar, r/o vill-Dharhara near Hanuman Temple,
New Colony, Hanuman Tola, Dist-Bhojpur, Ara

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Krishna
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-03-2020 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Mahila PS case no. 07 of 2019 registered for the offences punishable under Sections 498(A), 376, 379/34 of Indian Penal Code.

The allegation is regarding the marriage of the informant i.e. the opposite party no. 2 having taken place with the brother of the petitioner herein, about 14-15 years ago, however subsequently, the husband of the opposite party no. 2 is stated to have become mentally ill, whereafter the in-laws of the opposite party no. 2 had asked her to live with the petitioner and subsequently, two children were also born out of the said relationship, however the marriage of the petitioner was solemnized with another woman on



15.12.2018, whereafter the accused persons including the petitioner herein started harassing the opposite party no. 2 and compelled her to leave her matrimonial home along with her children and thereafter, the present case is stated to have been lodged by the opposite party no. 2.

The learned counsel for the petitioner has submitted that the petitioner is innocent, a bare perusal of the case diary would show that no offence under Section 376 of Indian Penal Code is made out and the police has also not filed any charge-sheet under Section 376 of Indian Penal Code, whereas and on the contrary, the charge sheet has been filed only under Section 498A/34 of Indian Penal Code. It is thus submitted that *prima facie*, no case is made out, even if the materials on record are considered to be of some substance. The petitioner is stated to be having a clean antecedent.

The learned counsel for the opposite party no. 2 has vehemently opposed the prayer for bail and has submitted that at this stage of life, the opposite party no. 2 and her children are being deprived of their right to live peacefully and with due dignity.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the parties as also taking into account the admitted fact that the marriage of the opposite party no. 2 had taken place with the elder brother of the petitioner herein, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the learned



court below within a period of six weeks from the date of receipt/
production of a copy of this order, is directed to be released on
anticipatory bail on furnishing bail bond of Rs. 10,000/-(Rs. Ten
thousand) with two sureties of the like amount each to the
satisfaction of learned S.D.J.M. (Sadar) Bhojpur at Arrah in
connection with Mahila PS case no. 07 of 2019 subject to the
conditions as laid down under Section 438(2) of Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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