

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73854 of 2019

Arising Out of PS. Case No.-1798 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAJEEV RANJAN KUMAR @ RAJIV RANJAN KUMAR S/o Nawal
Kishor Prasasd R/o village- Parrahi, Ward No. 12, P.S.- Sheohar, District-
Sheohar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rina Kumari W/o Rajeev Ranjan Kumar @ Rajiv Ranjan Kumar, D/o Ram
Shreshth Sah R/o village and Post- Manik Chowk Tole, Sripur, P.S.- Runni
Saidpur, District- Sitamarhi, at present residing in the house of Munna
Kumar Nirmal, S/o Late Ratneshwar Sah, R/o Mohalla- Talkhapur Dumra
Kothi (Man), P.S.- Dumra, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Verma
For the Opposite Party/s :		Mr.Tarun Prasad Mandal
or the Opposite Party No. 2:		Mr. Shashi Bhushan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-03-2020 Heard learned Counsel for the petitioner, learned

Counsel for the Opposite Party No. 2 and learned Additional

Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. C1-1798 of 2018, in which
cognizance has been taken for the offences punishable under
Sections 323, 341, 307, 498-A of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner, as per the
complaint, is that the marriage of the complainant-Opposite



Party No. 2 was solemnized with the petitioner on 05.03.2017 and after six months of marriage, the petitioner and his family members started demanding a sum of Rs. Three lakhs as dowry and due to non-fulfillment of the same, the petitioner tortured the Opposite Party No. 2 mentally as well as physically. It has also been alleged that the Opposite Party No. 2 was ousted from her matrimonial home and a sum of Rs. One lakh was given to the petitioner as dowry and for the rest two lakh rupees, the petitioner and others tortured the Opposite Party No. 2.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case based upon a concocted story made by the complainant in the complaint with oblique motive. He, relying on Annexure-2, submits that the Opposite Party No. 2 has sworn a declaratory affidavit stating therein that she has performed marriage with her brother-in-law, Munna Kumar Nirmal, prior to her marriage with the petitioner. He, relying on Annexure-3, submits that both the parties have got their marriage annulled before a Panchayat in front of the parents of both the parties and document to this effect has been signed by the petitioner as well as the Opposite Party No. 2, along with the Panches. He, relying on Annexure-4, submits that the petitioner has filed Divorce Suit No. 38 of 2018



for dissolution of their marriage before the Principal Judge, Family Court, Sheohar.

On the other hand, learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioner has tortured the Opposite Party No. 2 mentally and physically for demand of dowry and has levelled reckless allegation against her. He submits that Annexures 2 and 3, relied upon by the petitioner, are forged and fabricated document, which would be evident from Annexures A and B to the counter affidavit filed on behalf of Opposite Party No. 2. He further submits that appropriate proceeding may be initiated against this petitioner for filing forged and fabricated document. He also submits that the allegation levelled by the petitioner that the Opposite Party No. 2 had performed marriage with her brother-in-law, Munna Kumar Nirmal, prior to her marriage with the petitioner, is not correct and the petitioner by manipulating the documents is trying to oust the Opposite Party No. 2 from her matrimonial home. He further submits that though the petitioner is unemployed, but Opposite Party No. 2 is willing to live with the petitioner as his wife.

In reply, learned Counsel for the petitioner submits



that the petitioner has already filed a divorce suit and is not willing to keep Opposite Party No. 2 as his wife till the final outcome of the divorce suit.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is allegation and counter allegation between the parties, there appears to be marriage dispute between the parties, divorce suit is pending before the learned Court below and the allegation against the petitioner is general and omnibus, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Sub Divisional Judicial Magistrate (Sadar), Sitamarhi, in connection with Complaint Case No. C1-1798 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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