

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12772 of 2020

Arising Out of PS. Case No.-639 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Dr. Avinash Chandra @ Avinash Chandra, Son of Chandra Bhushan Prasad, Resident of Village/Mohalla- Prem Nagar (Barabigha), P.S.- Nagarnausa, District- Nalanda and west of MIG 40 near Bishwa Mohani Apartment, Kankarbagh, P.S.- Kankarbagh, District- Patna. At present residing at Hilsa Station Road, North of Dharamshala in the house of Rana Krishnadeo, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surabhi Kumari, Wife of Dr. Avinash Chandra, Resident of Village/Mohalla- Prem Nagar (Barabigha), P.S.- Nagarnausa, District- Nalanda and west of MIG 40 near Vishwamohini Apartment, Kankarbagh, P.S.- Kankarbagh, District- Patna. At present- Surabhi Kumar, D/o- Ramadhin Prasad, Resident of Village- Raghunathpur, P.S.- Nagarnausa, District- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate.

For the Opposite Party/s : Md. Shakir Ahmad, APP
Mr. Rajeev Kumar, Advocate
Mr. Sudhir Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 19-02-2021 Heard learned counsel for the petitioner, learned counsel appearing for the opposite party no.2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 639(C) of 2016, registered under Section 498(A) of the Indian Penal Code.

The accusation is of torturing of complainant-opposite party no.2 by her husband(petitioner) and in-laws due



to non-fulfillment of demand of dowry and removing her from matrimonial house causing assault.

Learned counsel appearing for the petitioner submits that the marriage of the petitioner was performed with the complainant-opposite party no.2 on 30.11.2014 but due to misbehaviour and ill treatment of complainant-opposite party no. 2, petitioner filed Matrimonial Case No. 667 of 2016 in the court of Principal Judge, Family court, Patna but the complainant did not appear in the said case and lodged a case, i.e, Hilsa P.S. Case No. 341 of 2016 registered under Sections 498(A) and 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, in which, petitioner is on police bail. Thereafter, complainant-opposite party no. 2 filed the Complaint Case No. 639(C) of 2016, in which, petitioner has been summoned. He, further, submits that due to non-appearance in Matrimonial Case No. 667 of 2016, the said case was decreed ex parte, dissolving the marriage of the petitioner and the complainant-opposite party no. 2 on 29.05.2018.

On the other hand, learned counsel appearing for the complainant-opposite party no. 2 submits that, in fact, the complainant-opposite party no. 2 lodged Hilsa P.S. Case No. 341 of 2016 but the dispute was settled in between petitioner



and the complainant-opposite party no. 2 and thereafter, complainant-opposite party no.2 was taken at her matrimonial house but she was again removed from her matrimonial house.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa at Nalanda, in connection with Complaint Case No. 639(C) of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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

