

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25736 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- MAHILA P.S. District- Sitamarhi

Sanjeet Kumar, aged about 30 years (Male), Son Of Late Ramchandra Rai,
R/O Village- Gadhaul, P.S.- Bihar, District- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection
with Sitamarhi Mahila P.S. Case No. 25 of 2020 for the offence
registered under Sections 493 and 406/34 of the I.P.C.

The prosecution story, in brief, is that the informant,
namely, Rinki Kumari @ Rinki Mishra, aged about 30 years
married with one Binay Kumar Mishra in the year 2004. Her
husband is religious story orator and used to live out side of the
house regularly, in the meantime, in the year 2013, she met with
this petitioner who is the brother-in-law of her brother, namely,



Shashi Bhushan introduced by her sister, co-accused Seema Devi in greedy eye. The petitioner used to come at her house situated at Gudari Road and made proposal to solemnize marriage. Co-accused Seema Devi also assured her that she will be the owner of entire property of the petitioner. Thereafter, they came at *Punaura Temple*, Sitamarhi, and swearing and thereafter they started living as husband and wife and also made physical relation in absence of her husband. For sometime, the informant was kept at the residence of the petitioner at Muzaffarpur and Darbhanga, there the mother of the petitioner was also present. The petitioner and his mother after full assurance taken her *Mangalsutra*, gold ring and chain worth Rs. 1,50,000/-. There was no any proof for marriage, therefore, on 03.07.2019, they went to Darbhanga and an affidavit and agreement was sworn before the Notary Public. At that time, the petitioner sent money in her account. The petitioner used to talk regularly. Now the informant used to live at her Naihar. It is also alleged that the petitioner started demanding Rs. 5,00,000/- as dowry to keep her with him and also threatened her on her Mobile. He has made physical relation with the assurance to give right of service and property and his mother co-accused Usha Devi taken ornaments and now demanded Rs. 5,00,000/- and also



making mental torture.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. There was money transaction between the parties which led to institution of the present case. In the present case, the petitioner alongwith his family members were made accused. Later on, the informant has filed a petition in the learned court below where she has retracted from her earlier statement made in the F.I.R. The said application is Annexure-5 to the supplementary affidavit filed on behalf of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M. Sitamarhi, in connection with Sitamarhi Mahila P.S. Case No. 25 of 2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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