

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21346 of 2020

Arising Out of PS. Case No.-400 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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AKHILESH KUMAR @ AKHILESH KUMAR SINGH Son of Shiv Shankar
Singh Resident of Village - Jhiruwa Pachuhari, Post - Basghadha Rampur via
Farbishganj, P.S. - Simraha, District - Arariya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shanti Kumari Wife of Akhilesh Kumar Singh @ Akhilesh Kumar Daughter
of Sri Kailash Pr. Singh, Resident of Village - Ambho, P.S.- Kharik, District
- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 04-01-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. 400 of 2018, disclosing offences
punishable under Sections 498A/504/506/34 of the Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act.

The petitioner asserts that his marriage with Opposite
party No.2, the complainant itself is null and void as the
petitioner was forced to marry her on the point of pistol and the
marriage between the petitioner and Opposite party No.2 was
forcibly solemnized. It is also the petitioner's case that prior to
lodging of the complaint petition, the petitioner had filed a



matrimonial suit before the learned Principal Judge, Family Court, Purnea, giving rise to Matrimonial Case No.114 of 2018 for declaration of marriage to be null and void under Section 11 of the Hindu Marriage Act, 1955. He has submitted that nearly one and half months after lodging of the matrimonial case the petitioner filed the present complaint case on 27.06.2018. The complaint case had been filed thereafter on 03.08.2018, which is in retaliation of the filing of the said matrimonial case, he contends.

Learned counsel for the petitioner has accordingly argued that it is purely a matrimonial dispute, which has given rise to filing of the complaint case.

Learned counsel appearing on behalf of the complainant has, on the other hand, brought before this Court the final order passed by the learned Principal Judge, Family Court, Purnea in Matrimonial Case no. 114 of 2018, whereby, not only that the petitioner's application under Section 11 of the Hindu Marriage Act has been dismissed, the Court has recorded a specific finding to the effect that the marriage was solemnized in accordance with the rituals of the Hindu Marriage and there was demand of dowry by the petitioner and his family members.

Be that as it may, since the matter arises out of the



complaint case, I do not find that any purpose would be served, if this application for anticipatory bail is rejected. This application is accordingly allowed.

Let the petitioner above-named in the event of his arrest/surrender within six weeks from today in the Court below 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 the learned Sub-Divisional Judicial Magistrate, Naugachia in Complaint Case No. 400 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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