

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30124 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA P.S. District- Bhojpur

ANSHU KUMAR S/o Sobnath Singh R/o Vill.-Kothua, P.S.-Agiaon Bazar in
the District of Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kajal Kumari D/o Sri Kishun Singh R/o Vill.-Kulhariya, P.S.-Koilwar,
Distt.-Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Bhaskar Shankar, Advocate
For the State	:	Mr Nagendra Prasad, APP
For the Informant	:	Mr Jogendra Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 12-03-2021 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner apprehends arrest in Mahila Police
Station (for brevity, *PS*) Case No 10 of 2020 instituted for the
offence punishable under Sections 498A/34, 323 of Indian Penal
Code and Sections 3/4 of Dowry Prohibition Act.

There is allegation that in the year 2019, the petitioner
had performed marriage with the prosecutrix and 1-1/2 years
later, the First Information Report (for brevity, *FIR*) has been
lodged that there is a demand for dowry.

Petitioner's counsel submits that the prosecution case
in the FIR itself is contradictory. On one hand, it is alleged that



solemnization of marriage took place in the year, 2019. On the other hand, it states that the petitioner refused to solemnize marriage for non-fulfillment of demand of dowry. Attention of the Court is also drawn to the informatory petition filed by the petitioner in the year 2019, at least two months prior to lodging of the FIR wherein he has raised apprehension regarding being subjected to false prosecution at the hands of the prosecutrix.

Learned counsel for the informant submits that the marriage was solemnized in the temple in the year, 2019 and the petitioner cannot escape his criminal liability. Learned APP has also opposed the prayer for anticipatory bail.

Considering the rival submissions, prayer for anticipatory bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from today, be released on anticipatory bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Bhojpur at Ara in Mahila PS Case No 10 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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