

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27361 of 2020

Arising Out of PS. Case No.-1 Year-2019 Thana- NALANDA COMPLAINT CASE District-
Nalanda

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SUJIT KUMAR @ SUJIT PRASAD @ SUJIT PRASAD SINGH, aged about
30 years, (male), S/o Upendar Prasad, R/V Ghanshyam Bigha, P.S. Hulasganj,
Distt. Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Tabish Sharfuddin, Adv.
For the Opposite Party/s :	Mr. Dasrat Mehta, APP
For the Opposite Party	Mr. Samir Kumar Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 02-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 1 C/2019 wherein cognizance has been
taken under sections 498 A and 406 of the Indian Penal Code
and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the complaint, the complainant
was married to the petitioner in the year 2018. She was tortured
for non-fulfilment of dowry to the effect of a motorcycle. She
was beaten up and forced out of the house giving threat that they
would marry her husband for the second time.



It is submitted by learned counsel for the petitioner that though the allegation against the petitioner is that marriage had been solemnized between the complainant and the petitioner, however, the true fact is that no such marriage ever took place. The petitioner was married to one Archana Raj in the year 2012 and they have children out of the said wedlock. In support of his contention, the Aadhar of his legally wedded wife Archana Raj and his children from the marriage to Archana Raj have been brought on record. The petitioner is a constable in the CRPF and is presently posted with 215 Battalion in Jamui. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the opposite party no. 2. It is submitted by learned counsel for the complainant that hiding the fact of his earlier marriage, the petitioner married the complainant. The fact of his earlier marriage transpired in course of hearing of this application and for this reason, statements could not be made during course of enquiry and no cognizance under section 494 of the Indian Penal Code was taken.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the



petitioner together with the materials brought on record, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 1 C/2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Hilsa at Nalanda subject to the conditions as laid down under section 438(2) of the Cr.P.C.

In view of the facts and circumstances of the case, it is directed that the petitioner shall cooperate in course of trial and in case the learned trial Court is of the opinion that the trial is being delayed for non-cooperation on the part of the petitioner, the bail bond of the petitioner may be cancelled and he may be taken into custody.

(Partha Sarthy, J)

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