

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78944 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA PS District- East Champaran

Dr. Rajeev Kumar Verma @ Rajeev Kumar Verma, aged about 35 years, Male, son of Dr. Chandra Mohan Kumar Verma, resident of village and P.O.- Pachpakri, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankita Sinha, aged about 28 years (female), D/o Hemant Kumar Sinha, resident of Mohalla- Chandmari, P.S.- Town, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate with Mr. Virendra Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the OP No. 2	:	Mr. Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Virendra Kumar, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Krishna Kant Singh, learned counsel for the opposite party no. 2-informant.

3. The petitioner apprehends arrest in connection with Motihari Mahila PS Case No. 36 of 2019 dated 29.06.2019, instituted under Sections 341, 342, 323, 354, 354-A, 406, 328, 498-A/34 of the Indian Penal Code and 3/4 of the Dowry



Prohibition Act, 1961 (hereinafter referred to as the 'Dowry Act').

4. The allegation against the petitioner and others is that in the marriage of the informant with him on 01.05.2015, cash of rupees five lakhs, fridge and gadget worth rupees two lakh and also ornaments of gold and silver worth rupees five lakhs as also clothes worth rupees one lakh was given by the family of the informant, but when she went to the matrimonial home then she was tortured and that there was demand of a four-wheeler and on the informant's father not being able to meet the demand, the accused had started mental and physical torture and also used to give various types of injections and medicines due to which her general health and mental condition also deteriorated. It is further stated that faced with the circumstances, the father of the informant had taken the informant and the petitioner to Ranchi and the Psychiatrist had opined that the informant does not suffer from any disease and should not be given any medication otherwise, it may affect her brain. It is further alleged that when the informant again went to the matrimonial home, the same medicines were given to her and she was tortured in various ways and that the husband of the sister of the petitioner finding her alone had entered into her



room and tried to outrage her modesty, but on cry raised had fled away. Finally, it has been stated that in December, 2018, after snatching the belongings of the informant worth rupees five lakhs and mobile phone by the sister of the petitioner, she was ousted and since then she is living in her parents' house. Finally, it has been stated that inspite of several efforts from the side of the informant's family, the accused were not ready to keep her.

5. Learned counsel for the petitioner submitted that the informant is not well, both mentally and physically. It was submitted that she has serious mental issues and that she is not in a position to enter into conjugal relationship. Learned counsel submitted that due to such condition and also non-cooperation from the side of the informant and her family members, the petitioner has filed Matrimonial Divorce Case No. 35 of 2019 on 19.01.2019 before the Principal Judge, Family Court, East Champaran at Motihari, for dissolution of marriage. It was submitted that after notice by publication in the daily newspaper was made on 29.06.2019, the present case has been instituted only to harass and extort money from the petitioner's family. Learned counsel submitted that there is vague and omnibus allegation against the petitioner and his family members. It was



contended that the Courts have now realized that there is misuse of Section 498-A of the Indian Penal Code and provisions of the Dowry Act.

6. Learned APP submitted that the present is not a fit case for grant of anticipatory bail as the allegations are very correct of forcibly administering medicines which has adverse affect, both on the brain as well as the body and the allegations made appears to be correct without any exaggeration.

7. Learned counsel for the informant submitted that the petitioner and his family members had become greedy upon receiving good amount during marriage and had started demanding four wheeler, but the father of the informant not being in a position could not fulfill the same due to which the petitioner, who is a MBBS Doctor, knowing fully well the consequences, had tried to create a situation and make the informant mentally infirm so as to have a ground to divorce her, which actually he did and even in the divorce petition, such ground of mental infirmity has been taken up. Learned counsel submitted that the allegation of present case being filed as a counter blast to the divorce case is totally false for the reason that the paper publication of the notice in the divorce case was made on 02.08.2019 after it was signed by the Court on



30.07.2019, whereas, the present has been filed much earlier on 29.06.2019 itself. Learned counsel submitted that the Court earlier had got an exercise conducted by sending both the parties to the Ranchi Institute of Neuro-Psychiatry and Allied Sciences for getting opinion with regard to the mental condition of the informant and the report has come that she is mentally fit. Thus, it was submitted that the entire allegations and the basis of the divorce case has been falsified. Learned counsel submitted that the petitioner and his family members have made up their mind that they would not keep the informant basically because of their greed for money as otherwise, there is no other justification for the same.

8. Earlier, the Court on a number of occasions, basically on the stand by learned counsel for the petitioner for working out an amicable settlement, had been adjourning the matter. Finally, the offer made by the petitioner being too low was not accepted by the informant and the terms for such settlement from the side of the informant were not accepted by the petitioner. The Court would record here that basically the dispute related to the ornaments which had been given by the side of the informant to the informant, which according to her remained in her matrimonial home i.e., the house of the



petitioner as she had not brought them back, whereas, the claim by the petitioner's side is that she had taken all her ornaments with her. Here, learned senior counsel for the petitioner, with whom the father of the petitioner was present, stated that they have got one gold chain set with them which they were prepared to return.

9. The Court would indicate that the initial stand on behalf of the petitioner that all the ornaments of the informant had been taken away by her falls flat by very admission that the petitioner's side has got one gold chain set with them. Further, if, at all, the petitioner's side had no business or concern with the ornaments of the informant, then there was no occasion for them to come up with the stand that they have one gold chain set with them since whatever had been kept by the informant in her room or wherever, the petitioner's family was not entitled to take them out so as to aware what was kept, but being aware of the presence of one gold chain set indicates that all the ornaments of the informant had not been taken back by her and the same remained in the matrimonial home.

10. Be that as it may, the Court would not go into that aspect as the parties are fully aware of the truth as it is within their personal knowledge. However, the Court would only



indicate that whatever has been submitted before the Court and the materials brought on record as also taking into account the report of the Psychiatric Institute at Ranchi, it appears that the informant does not suffer from any mental condition so as to certify her to be unfit to perform the role of a wife. Moreover, the allegations made in the FIR, cannot, at this stage, be said to be exaggerated or unbelievable.

11. Thus, taking over all view in the matter, the Court is not inclined to grant pre-arrest bail to the petitioner.

12. Accordingly, the petition stands dismissed.

13. Interim protection given to the petitioner under order dated 04.12.2019 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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