

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17661 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- TAJPUR District- Samastipur

PANKAJ KUMAR RAY @ PANKAJ KUMAR S/O- Rajdeo Ray R/O-
Village - Rampur, Dumari, P.S. Goraul, District - vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Amit Kumar S/O- Late Rampriti Ray R/O- Village - Kasbe Aahar, P.S.-
Tajpur, Samastipur District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-01-2022 Due to the third wave of COVID-19 Pandemic, the matter
is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders'
under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

The petitioner is apprehending his arrest in a case registered
under Sections 366, 498A, 424, 506 and 34 of the Indian Penal
Code.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry and also
enticing away the wife of the informant.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The prosecution case is in two parts. Firstly, it has been alleged that the petitioner has been torturing his wife. Regarding that, it has been submitted on behalf of the petitioner that the wife of the petitioner has filed an application in which she has denied the allegation of torture which is alleged by her brother. Hence, the offence under Section 498A IPC is not attracted in the present case. The petitioner and his wife are, till date, leading a conjugal life. Secondly, it has been alleged that the wife of the informant had developed love affairs with the petitioner. She had left her house for getting a medical report from the doctor but she did not return. A suspicion is being raised by the informant who happens to be brother-in-law of the petitioner that the petitioner is involved in taking away the wife of the informant. As far as offence under Section 366 I.P.C. is concerned, except for suspicion, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails



is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned A.C.J.M. 1st, Samastipur in connection with Tajpur P.S. Case No. 332/2019, 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) 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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