

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21278 of 2022

Arising Out of PS. Case No.-1078 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

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RAMESH KUMAR SON OF MAHENDRA BHAGAR R/O- VILLAGE-
BARDELA, P.S.- DHAMDAHA, DISTRICT- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AANGIKA DEVI WIFE OF RAMESH KUMAR R/O- VILLAGE-
GARHBANAILI, P.S.- KASBA, DISTRICT-PURNEA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498(A), 307, 504, 120(B) and 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is the husband and the complainant alleges that she was married to the petitioner in the year 2000 and for five years they led a happy conjugal life and out of the wedlock a daughter and a son were born, after birth of the children the petitioner and the accused persons started demanding Rs. 50,000/- and a cow, further the



petitioner is having illicit relationship with Rubi Kumari and they informed that they have married and are living like husband and wife, further complainant live in the house of mother-in-law and the accused persons are planning to sell the house, further alleges that the accused persons, including the petitioner, now started demanding dowry of Rs. 2 lakh and the complainant was ousted from her matrimonial home.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that by order dated 23.08.2022 notices were issued on the Opposite Party No.2 and from perusal of the office report, it would manifest that the notices were received personally by the Opposite Party No.2, as such the notices were validly served upon her, it is next submitted that the allegations in the FIR itself demonstrates that the marriage now is nearly 22 years old and out of the wedlock children are born, it is further submitted that as far as allegation of marrying Rubi Kumari is alleged the same is false and fabricated, in order to give a serious colour to the case, it is also submitted that complainant along with the children is living in the house of the petitioner, whereas the petitioner out of fear has to live in a rented premises. The learned counsel next submits that the informant,



despite receiving notices, has chosen not to appear that in itself demonstrates that she is not interested in pursuing the case as she is living happily in the house of the petitioner and rather the petitioner stands ousted from his own house out of fear.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, but he is not able to meet the submissions of the learned counsel for the petitioner that informant despite receiving the notices personally has chosen not to contest the case.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1078 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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