

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47360 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- GOPALPUR District- Gopalganj

Vijay Kumar @ Vijay Singh Son of Janardan Singh Resident of Village -
Derwa, P.O.- Semra, P.S.- Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sabita Devi Wife of Vijay Singh D/o Parmanand Singh, Resident of Village
Kapuri, Post - Panchdewari, P.S.- Kateya, District - Gopalganj
- Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ranjan Kumar Dubey, Advocate
For the State	:	Mr.Raj Kishore Singh, APP
For Opp. Party No.2	:	Mr. Sanjay Kr. Pandey No.5, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-03-2022 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the opposite

party no.2.

The petitioner apprehends his arrest in connection
with Gopalpur P.S. Case No.73 of 2021 registered for offences
under Sections 498A/34 of the Indian Penal Code and Sections
3 and 4 of the Dowry Prohibition Act.

It has been submitted by learned counsel for the
petitioner that the opposite party no.2 is suffering from mental
disorder/disease and the petitioner has got her treated and this
case has been filed by the opposite party no.2 out of bad advice.

Learned counsel for the opposite party no.2 submits
that this submission of the petitioner is wrong as opposite party



no.2 is perfectly normal and just to avoid to stay with the opposite party no.2, petitioner is making such allegations.

Considering the above submissions of the parties.

The opposite party no.2 is directed to contact the Superintendent, Patna Medical College and Hospital, Patna who will get the opposite party no.2 examined by the Head of Department of Psychiatry and thereafter on the basis of the aforesaid report, if the opposite party no. 2 is found to be mentally challenged or suffering from mental disorder, then the petitioner shall be released 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 Chief Judicial Magistrate, Gopalganj in connection with Gopalpur P.S. Case No.73 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the opposite party no.2 is not found to be mentally challenged then prayer for anticipatory bail of the petitioner shall be treated as dismissed.

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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