

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64291 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- MAHILA P.S District- West Champaran

Vishal Kumar Son Of Bharat Prasad @ Bharat Jee @ Bharat Ji Prasad
Resident Of Village - Sagar Pokhra, Ujjain Tola, P.S.- Bettiah (Town), Distt.-
West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Ashok Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bettiah (Mahila) P.S. Case No. 03 of 2021 registered for the offence punishable under Section 498A of the Indian Penal Code later on Sections 376, 420 of the Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act were also added. He is in custody since 11.08.2021. He has otherwise no criminal antecedent.

As per the prosecution story, this petitioner is said to have been living with the informant taking as his wife but later on he refused to accept her as his wife and threw her out of his house. The



allegation is that the petitioner kept the informant with him and remained sharing the bed with her for over the period but at this stage he is refusing to accept her.

Learned counsel for the petitioner submits that from the FIR itself it would appear that the informant was working as maid and was doing her livelihood by cleaning utensils etc. in the households. It is submitted that this is nothing but a case of extortion from the petitioner by falsely implicating him.

Learned counsel submits that in course of investigation, it has come that this informant is married to one Sujit Das of district Nadia in the State of West Bengal from whom she has got three children. It is submitted that in such circumstance, the allegation that this petitioner was living with the informant by taking her as his wife is nothing but a false case and at this stage, the petitioner deserves privilege of regular bail.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has kept the informant with him for about 2 years but later on he started demanding dowry and on non-fulfillment thereof he threw her out from his house.

Having regard to the materials placed before this Court showing that the informant was married to one Sujit Das in the State of West Bengal and in course of investigation, it has come that she has got three children, the allegation of demand of dowry has come at



belated stage and from the FIR itself it is clear that the informant was having relationship with the petitioner on her own volition knowing fully well that she was married with someone else, at this stage this Court is inclined to direct release of the petitioner on bail.

Let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Rupa Raj, learned J.M. 1st Class, Bettiah, West Champaran in connection with Bettiah (Mahila) P.S. Case No. 03 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

