

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67006 of 2021

Arising Out of PS. Case No.-539 Year-2021 Thana- TURKAULIYA District- East
Champaran

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RAJ KISHOR PRASAD Son of Late Gauri Shankar Lal Resident of Village -
Nauranga Bagh, Baswariya, Bettiah, P.S.- Bettiah Town, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 498A, 504 and
34 of the Indian Penal Code read with Section 3 of the Protection of
Women from Domestic Violence Act, 2005.

Learned counsel for the petitioner submits that petitioner
has antecedent of one case.

The informant, who is Samdhi of the petitioner, has
instituted the present case.

Learned counsel for the petitioner submits that it
absolutely does not stand to reason that if the daughter of the
informant was aggrieved by the conduct of the petitioner then what



prevented his daughter from instituting the present case. It is next submitted that the petitioner now is alone as his wife had died and his son is in the grip of the informant and is working with the Bihar Police and is posted in Patna and is staying with the informant and his wife, as such, there is absolutely no occasion for the petitioner to demand dowry or harassing the daughter of the informant. Learned counsel further submits that it is the son of the petitioner who very cunningly has got the present case instituted through his father-in-law against his own father so that he gets pressurized and part with the property. Learned counsel further submits that since the son of the petitioner is in police, as such, he is managing the case also from the side of his father-in-law. Learned counsel next submits that the police perhaps investigates cases mechanically without applying mind. It is further submitted that some direction be also issued to the Senior Superintendent of Police, East Champaran, Motihari to personally look into the matter and to get the case investigated by a competent and an honest officer who does not get swayed by the son of the petitioner. Learned counsel next submits that the falsity of the case also manifests from the fact that the informant has not made his son-in-law/son of the petitioner as an accused in the present case. It is next submitted that it is the duty of the husband to ensure that the wife lives with full dignity and honour and until and unless the husband is interested in dowry no family member can demand dowry.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner but is not in a position to rebut the submission of the learned counsel for the petitioner that the son of the petitioner who is husband of the daughter of the informant is not an accused when it is a case under Section 498A of the Indian Penal Code.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Turkauliya (Banjaria) P.S. Case No. 539 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Let a copy of this order be sent to the office of the Senior Superintendent of Police, East Champaran, Motihari for his perusal and the Court leaves it to his wisdom to act in accordance with law.

(Satyavrat Verma, J)

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