

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6474 of 2023

Arising Out of PS. Case No.-355 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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BIRBAHADUR SINGH S/O LATE RAMJANAM SINGH R/v- Dhansoi,
P.S.- Dhansoi, District- Buxar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MEERA DEVI W/O BIRBAHADUR SINGH R/v- Dhansoi, P.S.- Dhansoi,
District- Buxar At Present R.v- Khadaura, P.S.- Chainpur, District- kaimur
(Bhabhua), Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Jai Prakash Singh, Advocate
For the S t a t e	:	Mr Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and the
learned APP.

2 Despite valid service of notice, no body appears on
behalf of Opposite Party No 2.

3 The petitioner apprehends arrest in Complaint Case
No 355 of 2022 registered for the offence punishable under
Sections 341, 323, 504, 498A/34 of Indian Penal Code, Sections
¾ of Dowry Prohibition Act and Sections ¾ of Dain Act but
cognizance has been taken only under Section 498A of Indian
Penal Code and Sections ¾ of Dowry Prohibition Act.

4 As per the prosecution case, all the named accused
persons along with this petitioner have tortured and ousted the



complainant from the matrimonial home.

5 Learned counsel for the petitioner submits that the petitioner is husband of the complainant. He denies the prosecution case and submits that he has already filed Divorce Case No 125 of 2022 on 09.05.2022 under Section 13 of the Hindu Marriage Act in the Court of Principal Judge, Family Court, Buxar. It is further submitted that after getting knowledge of the Divorce Case, the complainant has filed this false and concocted case.

6 Learned APP has vehemently opposed the prayer for anticipatory bail.

7 Considering the rival submissions, in the event of arrest/surrender within a period of six weeks from today, the petitioner above named be enlarged on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Kaimur, Bhabhua in Complaint Case No 355 of 2022 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

M.E.H./-

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