

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19179 of 2023

Arising Out of PS. Case No.-474 Year-2021 Thana- BEGUSARAI COMPLAINT CASE Dis-
trict- Begusarai

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AVINASH KUMAR Son of Pramod Kumar Sah Resident of village - Sanjat,
P.S.- Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupshree Ranjan Daughter of Shambhu Kumar Sah Wife of Avinash Kumar,
Resident of village - Bathauli, P.O.- Tilrath, P.S.- Barauni, District - Be-
gusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 474C of 2021 in which cognizance has been taken under sections 498A, 323, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the complainant was married to the petitioner on 30.11.2017. The complainant states that Rs. 9 lacs, a motorcycle, gold ornament worth Rs. 5 lacs etc were given as gift at the time of marriage. Soon after the complainant going to her sasural the named accused persons started



to torture her making further demand of a car and Rs. 2 lacs in cash by way of dowry. The complainant states that in the year 2018 the husband of the complainant who was in railways department took her to Dibrugarh, the place of his posting. The accused persons continued to physically and mentally torture her for non-fulfillment of the demand of dowry. It is finally stated that on 15.5.2018, the petitioner as also others forcibly kept the ornaments belonging to the complainant and left her at her parents place.

4. Learned counsel for the petitioner submits that the the petitioner has been falsely implicated in the case only on account of his being the husband of the complainant. After inquiry cognizance was taken under sections 323, 498A, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. There is no explanation for the delay in lodging of the complaint. The petitioner was ready to settle the dispute amicably. The petitioner has no criminal antecedent.

5. The application for the bail is opposed by learned counsel for the State and learned counsel for the complainant. Learned counsel for the complainant submits that the petitioner is the husband of the complainant and there is direct allegation against him of physical and mental torture as also assault. On in-



quiry by the Court, it is submitted by learned counsel appearing for both the parties that maintenance case is pending and the petitioner is paying monthly maintenance of Rs. 10,000/- to the complainant.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint, the petitioner being an employee of the Indian Railways and not having any criminal antecedent, in the event of his arrest or surrender within four weeks, the petitioner is directed to be enlarged on bail in connection Complaint Case no. 474C of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Partha Sarthy, J)

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