

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34016 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champaran

INESH GIRI Son of Balak Giri Resident of village - Mahuawa, P.S. -
Purshottam Pur, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Wife of Inesh Giri, D/o Vinay Giri At present residing in
village - Chandan pur, Bakwa, P.S. - Chautarwa, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s	:	Mr. Md. Nazir Ansari, APP
For the informant	:	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant
of anticipatory bail apprehending his arrest in connection with
Purshottampur P.S. Case no.20 of 2023 (G.R. no.757 of 2023)
registered for the offence punishable under sections 307, 323,
384, 406, 498A, 376 and 511 of the Indian Penal Code and
section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, the petitioner was
married to the complainant on 16.4.1919, gifts and other articles
as stated in the complaint was given at the time of marriage. It is
further stated that soon after the marriage, the accused persons
started to torture the complainant for nonfulfilment of demand



of dowry to the tune of Rs.3 lakhs in cash, gold chain etc. She was abused, assaulted and forced out of the house with the threat that she would not be permitted to enter till the articles demanded were given.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband of the informant. The cause of dispute is other than what has been narrated in the FIR. It was the opposite party no.2 who abandoned the petitioner which led to Matrimonial Case no.13 of 2023 being filed on 9.1.2023 by the petitioner in the Court of the Principal Judge, West Champaran under section 9 of the Hindu Marriage Act praying for restitution of conjugal rights. It was submitted that subsequent thereto the instant FIR was registered.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no.2.

6. Learned counsel for the opposite party no.2 submits that besides the petitioner being the husband of the complainant and there being direct allegation against him, so far as suit for restitution of conjugal rights is concerned, the same was filed by the petitioner to set up a defence in the case. As



per oral instructions received, the petitioner has entered into a second marriage without having obtained a decree of divorce.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the complaint having been filed subsequent to filing of the suit for restitution of conjugal rights together with the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Purshottampur P.S. Case no. 20 of 2023 (G.R. no.757 of 2023) 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 A.C.J.M.-III, Bettiah, West Champaran.

(Partha Sarthy, J)

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