

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39972 of 2023

Arising Out of PS. Case No.-360 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Premendra Kumar, S/O Bhola Prasad R/O Village- Holding No. 1212, Sector 55, Faridabad PS. Ballabhgardh, Dist. Faridabad, Hariyana

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bandana Kumari D/O Suresh Chandra R/O Village- Mauje Tola, Ps. Ramgardhwa, Dist. East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 360 of 2021 registered for the offence punishable under Sections 341, 323, 504 and 498-A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The petitioner husband is accused of subjecting the complainant to cruelty and torture and also having attempted to commit her killing by pressing her neck.

4. The learned counsel for the petitioner submits that the allegations are false. The falsity is evident from the fact that



the attempt to kill is stated to have been committed by the petitioner on 20-8-2021, whereas the complaint has been lodged in December 2021. The petitioner is in fact more than willing to have the complainant reside with him with full honor and dignity as his wife. He has filed a petition under Section 9 of the Hindu Marriage Act for restitution and also submitted a bond therein (Annexure-2). When the learned Session Judge, Motihari was considering the petitioner's prayer for anticipatory bail, then also he expressed his willingness and desire to continue in matrimonial harmony with the complainant. It is in fact the complainant who refused to reside with the petitioner which is obvious from the order of the learned Sessions Judge dated 6-5-2023 whereby his prayer for anticipatory bail has been rejected.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the bond submitted by the petitioner, the delay in lodging of the complaint and on going through the order of the learned Sessions Judge dated 6-5-2023, this court is inclined to allow the petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Complaint Case No. 360 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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