

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38827 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- DIGHWARA District- Saran

=====

Pankaj Kumar @ Pankaj Kumar Sah S/O Dharmnath Sah R/O Village- Dumri Buzurg, P.S- Nayagaon, Distt.- Saran. Petitioner

Versus

1. The State of Bihar
2. Ruby Kumari W/O Pankaj Kumar Sah R/O Village- Dumri Buzurg, P.S- Nayagaon, Distt.- Saran, at present R/O D/O Ramanand Sah, Village- Kanakpur, P.S- Dighwara, Distt.- Saran.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Anil Kumar Sinha, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Shakti Suman Kumar, Advocate
		Mr. Rajesh Ranjan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned counsel for the informant as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Dighwara P.S. Case No. 266 of 2022 registered for the offences punishable under Sections 498A of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act. The petitioner has no criminal antecedent.

3. As per prosecution story, the petitioner got married with O.P. No. 2 on 24.05.2021 and after marriage, the petitioner and his family members tortured her for non-fulfillment of demand of dowry and ousted her from the matrimonial house. It is alleged that the father of the informant sent Rs.50,000/- as dowry to the petitioner who lives in Kolhapur but did not take the



informant with him. It is also alleged that she filed petition at Mahila P.S. where her husband appeared and with assurance to keep her properly he took her with him at his native place but he continued to torture her for dowry and again ousted her from the matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is ready to keep O.P. No. 2 as his legally wedded wife with full dignity and care.

5. Learned counsel for the informant submits that the informant is ready to live with her husband i.e. the petitioner, provided he keeps her with full dignity and care.

6. Learned counsel for the petitioner, at this stage, submits that this Court may fix a date on which the petitioner shall visit the residential house of the parent of the informant from where he will take the informant with him to his matrimonial house at the place of his posting.

7. In the aforesaid view of the matter, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Dighwara P.S. Case No. 266 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Chapra, Saran, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. And further condition that within the given period of six weeks, he will visit the residential house of the parent of the informant with prior information and shall take the informant with him to his place of posting where both of them shall reside with full dignity and care. Breach of this condition on the part of the petitioner shall invite action towards cancellation of bail bond of the petitioner.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

