

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48609 of 2023

Arising Out of PS. Case No.-326 Year-2022 Thana- RIVILGANJ District- Saran

SUMIT KUMAR GIRI @ AJIT KUMAR GIRI, SON OF LALAN GIRI,
RESIDENT OF VILLAGE - SENGAR TOLA RIVILGANJ, P.S. -
RIVILGANJ, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SEEMA DEVI, WIFE OF SUMIT KUMAR GIRI @ AJIT KUMAR GIRI,
D/O. TARKESHWAR BHARTI RESIDENT OF VILLAGE - SENGAR
TOLA RIVILGANJ, P.S. - RIVILGANJ, DISTRICT - SARAN AT
CHAPRA AT RESIDENT OF VILLAGE - SANKARDIH, BHARTI TOLA,
P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Udai Shankar Singh, Advocate
For the State	:	Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Rivilganj P.S. Case No. 326 of 2022 registered
for offence under Sections 498A, 323, 504 and 34 of Indian
Penal Code.

3. On 27.08.2022, the petitioner claims to have filed a
petition for divorce bearing Divorce Case No. 198/2022 in the
court of learned Principal Judge, Family Court, Saran at Chapra.
The submission is of false implication whereas the allegations in
the prosecution case lodged by the petitioner's wife is that along



with other co-accused persons (family members), the petitioner used to abuse and torture the informant for coercing her to make her parents succumb to the demand for dowry.

4. It is submitted by learned counsel for the petitioner that the sequence of events, prior to lodging of the divorce case, makes it obvious that the case has been lodged on extraneous considerations. The petitioner has no antecedents. There is also no injury report to support the allegations of abuse and torture, nor is there any intimation given in this regard prior to lodging of the divorce case.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the nature of dispute and petitioner's clean antecedents, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. 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 J.M., Saran at Chapra, in connection with Rivilganj P.S. Case



No. 326 of 2022, 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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