

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50766 of 2023

Arising Out of PS. Case No.-1386 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dr. Sweta Suman Wife Of Dr. Pritam Raj Resident Of Flat No. 2b-Ss, Pathakpara Road, Parnasree Pally, Circus Avenue, Ps- Parnasree, Kolkata-7000060, West Bengal
 2. Shambhu Nath Singh Son Of Late Ram Dayal Singh Resident Of Flat No. 2b-Ss, Pathakpara Road, Parnasree Pally, Circus Avenue, Ps- Parnasree, Kolkata- 7000060, West Bengal
 3. Shubham Singh @ Suvan Kumar Singh Son Of Sri Shambhu Nath Singh Resident Of Flat No. 2b-Ss, Pathakpara Road, Parnasree Pally, Circus Avenue, Ps- Parnasree, Kolkata- 7000060, West Bengal

... .. Petitioners

Versus

1. The State of Bihar
2. Dr. Pritam Raj Son Of Sri Arun Kumar Resident Of Rajvilla Apartment, Flat No. 202 Behind P.N.Bank, Kanti Factory Road, Ps- Kankarbagh, Dist- Patna 8000020

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Dharendra Kumar, Advocate
For the Opposite Parties : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complain Case No. 1386 (C) of 2020 dated 22.06.2022
instituted for the offence punishable under Sections 323, 379,
426 and 506/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on
15.03.2020 at 1:45 P.M. complainant was in his chamber along



with the staff and examining the patient in his Clinic, all of a sudden the accused persons came there and entered into the Clinic and started abusing very filthy language, when the complainant forbade them they started assaulting the complainant by fist and slaps and broken the dental chair and destroyed surgical instrument kept on the table and other apparatus, L.A. liquid and prepared teeth of patient. It is further alleged that the petitioner No. 2 with the help of petitioner No. 3 took away Rs. 12,000/- from the drawer of the Clinic resulting complainant in total loss of Rs. 1,50,000/- (One Lakh Fifty Thousand).

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioner No. 1 is the wife of the complainant, petitioner No. 2 is the father-in-law of the complainant and petitioner No. 3 is the brother of the petitioner No. 1. It is further submitted that the marriage of petitioner No. 1 and complainant was solemnized on 12.02.2018 at Kolkata, and at the time of marriage the father of the complainant demanded Rs. 22,00,000/- (Twenty Two Lakhs) but the father of the petitioner No. 1 was agreed to pay only Rs. 15,00,000/- (Fifteen Lakhs), accordingly, he paid Rs. 15,00,000/- (Fifteen



Lakhs) with several ornaments, gifts and house utensils. After marriage, the complainant regularly started torturing the petitioner No. 1 in drunken condition and snatched all the belongings ornaments, all educational certificate, Passbook, Passport etc. and also tried to kill her, due to which she filed a case against the complainant and his family members at Kolkata *vide* Parnasree P.S. Case No. 31 of 2020 under Section 498A, 406 and 34 of the Indian Penal Code which is pending for trial. It is further submitted that prior to Parnasree P.S. Case No. 31 of 2020, petitioner No. 1 has also filed a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 on 11.02.2022 bearing case No. A.C. 428 of 2020 in the Court of Addl. Chief Magistrate, Alipore, South Pragma (West Bengal) which is pending in the Court of 9th J.M., Alipore (S) Pragma (West Bengal). The complainant has filed a Matrimonial Case under Section 9 of the Hindu Marriage Act, 1995 against the petitioner No. 1 bearing case No. 1457 of 2017 in the Court of Principal Judge, Family Court, Patna and another Matrimonial Case bearing case No. 1000 of 2020 on 24.12.2020 under Section 13 of Hindu Marriage Act, 1995 for taking divorce against the petitioner No. 1, both the Matrimonial Cases are pending in the Court of Principal Judge, Family Court. Further,



it is submitted that there is a family dispute between both the parties. Lastly, it has been submitted that father of the complainant filed a complaint case at Motihari against petitioner Nos. 1, 2 and 3 bearing Complaint Case No. 1174 of 2020, in which cognizance has been taken under Sections 323, 379, 448 and 504 of the Indian Penal Code and all the petitioners have been granted bail in the said case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 1386 (C) of 2020, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate, 1st Class Court No. 7, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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