

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53918 of 2023

Arising Out of PS. Case No.-484 Year-2022 Thana- SIWAN CITY District- Siwan

CHHABILA TURHA S/O LATE MOTICHANDRA TURHA RESIDENT OF
VILLAGE AND PO GUTHANI WEST, PS GUTHANI, DIST- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Siwan Town P.S. Case No. 484 of 2022 dated 19.08.2022, instituted for the offence punishable under Sections 366/34 of the Indian Penal Code.

3. The prosecution case, in short, is that complainant's sister has solemnized marriage with Chabila Turha (petitioner) ten years ago and after the marriage her in-laws tortured her due to non fulfillment of dowry demand and then ousted her from matrimonial home. Complainant's sister (victim) filed dowry case against the petitioner and on 13.11.2017, date was fixed in maintenance case and informant's sister came for *pairvi* on the alleged date but could not be found



thereafter. It is alleged that Chabila Turha (petitioner) and his family members have kidnapped her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that as per the F.I.R., the date of occurrence is 13.11.2017, when the sister of the informant (victim) was going to attend the said maintenance case but the Complaint Case No. 193 of 2018 was filed on 05.04.2018 i.e. after lapse of almost 6 months and registered on 09.08.2022 without giving any explanation justifying the delay. It is further submitted that it is admitted by the informant himself that before disappearance victim used to reside with the informant. It is submitted that the victim has filed Complaint Case No. 684 of 2012 but after some time she stopped attending the said case and according to the information of the petitioner, victim has not filed any maintenance case as stated in the F.I.R. It is submitted that the victim has not come to the premises of the Siwan Court on 13.11.2017 and all the allegations have been fabricated. Lastly, it has been submitted that the petitioner has one case against him filed by his wife (victim) bearing Complaint Case No. 684 of 2012 under Sections 498 (A), 406, 323 and 34 of Indian Penal Code and Section 3 / 4 of D.P. Act in which



petitioner is on bail.

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

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 petitioner in connection with Siwan Town P.S. Case No. 484 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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