

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75026 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA P.S. District- Banka

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Anurag Anu S/O Abhinay Kumar Singh Resident of village- Chapra, P.S.-
Barahat, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 04-03-2023 Heard Mr. Ajay Mishra, learned counsel appearing
on behalf of the petitioner and Ms. Asha Devi, learned A.P.P.
for the State.

2. The petitioner who is in custody since 02.09.2022,
seeks regular bail in connection with Banka Mahila P.S. Case
No. 28 of 2021, for the offence punishable under Section 498(A)
and 34 of the Indian Penal Code and Section 3 and 4 of the
Dowry Prohibition Act.

3. The prosecution case, in brief, is that the informant
has alleged that petitioner has performed marriage with her
according to Hindu rites and rituals on 10.11.2019 and they led a
happy conjugal life outside their *sasural* and their cohabitation
led to birth of a female child. The informant has further alleged
that parents of the petitioner were not happy with their marriage
and the petitioner was influenced by his parents and started



demanding Rs. 10 lacs and gold jewellerys from the informant and her family members. It has been specifically alleged that due to non-fulfillment of demand of dowry, the informant was assaulted and driven out of her matrimonial house by her husband and in-laws.

4. Learned counsel appearing on behalf of the petitioner submitted that subsequent to the present case a false case has also been lodged against the petitioner by the mother of the informant. Because of the two cases the petitioner's dignity in the society has been tarnished and as a consequence of false allegation the petitioner is in custody. He further submitted that in paragraph no. 49, of the present bail application, he has made specific statement that the petitioner never cohabited with the informant and just to pressurize the petitioner, a false case was lodged by the informant to pressurize the petitioner to marry with her. The allegation of pre-matured child to have taken birth out of matrimonial relationship between the parties.

5. The petitioner is ready for DNA test on its own to match the paternity. The petitioner has made a specific statement before this Court that petitioner is not willing to compromise in any manner.

6. Ms. Asha Devi, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner. She further submitted that the allegation made in the F.I.R reveals that due to non-acceptance of the informant by the parents of the petitioner, the petitioner came under their influence and subjected her to torture of severe magnitude and thereafter, they started demanding dowry. However, she has submitted that a chance be given to the petitioner, so that husband and wife may reconcile and lead a dignified married life.

7. Having heard the rival submissions of the parties, perused the allegation made in the F.I.R, materials available on record, it appears that a complaint case was filed being complaint no. 1622 of 2022 under Section 376 of the Indian Penal Code, just to pressurize the petitioner to marry her daughter, who is the informant in the present case. However, considering the nature of allegation the informant claims herself to be the married wife of the petitioner and in want of evidence to that effect, it would be in the interest of justice that petitioner be released on bail and if the informant, who claims to be the wife of the petitioner, shall produce respective evidence before the competent court. It appears to this Court that petitioner has made out a prima facie case to be released on bail on furnishing



bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M in connection with Banka Mahila P.S. Case No. 28 of 2021, with a condition that the family members of the informant and the petitioner may resolve the dispute, and subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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