

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73068 of 2019

Arising Out of PS. Case No.-243 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ranjeet Roy, Son of Maheshar Roy, Resident of Village- Manda Vijaiya,
Ward No.9, Police Station- Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinku Devi, Wife of Ranjeet Ray, now wife of Sanjay Ray, Daughter of Thekan Roy, Resident of Village- Pagra, Police Station- Dalsingsarai, District- Samastipur. Presently residing with Sanjay Roy, resident of village- Mohanpur Pathal Ghat Hardaspur, Police Station- Mohanpur (Mohiuddinnagar), District- Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Choudhary Shyam Nandan, Advocate
For the State	:	Ms. Shaheen Begum, APP
For the O.P. No. 2	:	Mr. Mahendra Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 13-12-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 243 of 2016 in which cognizance has been taken under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the prosecution story, on 11.07.2014, the complainant was married to this petitioner in which more than Rs.2,85,000/- was spent by the parents of the complainant. After

few months of marriage, the complainant was tortured to fulfill the demand of Rs.3,00,000/-. Ultimately, the complainant was ousted from her matrimonial house on 03.01.2016.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the fact is that presently the opposite party no. 2 has already remarried to another person. In this regard, a certificate of the *Sarpanch* as contained in Annexure '3' has been brought on record.

5. It is further submitted that after much efforts, the opposite party no.2 has appeared. Earlier, twice attempts were made to serve her but it could not be served because of her unavailability. Even after her appearance, she has not denied Annexure '3'.

6. Learned counsel for the opposite party no. 2 has though opposed this application, he has not controverted the submission of learned counsel for the petitioner that opposite party no. 2 has remarried.

7. Having regard to the facts and circumstances of the case, considering the nature of the matrimonial dispute and the fact that the petitioner has earlier been granted interim protection and the same is continuing till date, there is no denial of Annexure '3' to the application and the submission of learned

counsel for the petitioner as regards Annexure '3' is not being controverted, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Complaint Case No. 243 of 2016 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 Sub-Divisional Judicial Magistrate, Dalsingsarai, Samastipur, 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. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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