

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26206 of 2024

Arising Out of PS. Case No.-602 Year-2023 Thana- KADAMKUAN District- Patna

Prakash Kumar Nayak son of Ganga Ram Nayak Resident of Village- Dantu
PS- Kasmar Bokaro Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amar Anand, Advocate
For the State	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Mr. Dharendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 04-10-2024 Heard learned counsel for the petitioner and learned
APP for the State beside learned counsel appearing on behalf of
the informant.

2. The petitioner is apprehending his arrest in connection with Kadamkuan P.S. Case No. 602 of 2023 for the offence under Sections 498-A and 34 of the Indian Penal Code and sections 3 & 4 of the Dowry Prohibition Act, lodged on 18.09.2023 by the informant, Pooja Kumari.

3. As per the prosecution story, the informant alleged that she was married to one Shubham Kumar Nayak on 08.02.2022 but was tortured for dowry regularly which included her in-laws. The petitioner is the brother-in-law. Accordingly, the F.I.R.

4. As on the last date of hearing (20.09.2024), the



informant who had appeared and informed that the petitioner a Civil Court, Hazaribagh employee still threatens her, the petitioner was asked to file to supplementary affidavit.

5. Pursuant to the last order, supplementary affidavit has been filed and though the petitioner claims that he is continuously discharging his duty at Hazaribagh Civil Court and has nothing to do with the couple, in the same breath, it is his case that his brother is not ready to keep the informant and want one time settlement by making payment of Rupees Ten Lakhs. Further, his brother is presently unfit having fracture in his leg and as such is unable to travel.

6. On the one hand, the petitioner claims that he has no concern with the couple, on the other hand, he himself states that the brother is not ready to keep his wife. Further, he talks about the fractured leg of his brother and is unable to travel but the documents attached with the said supplementary affidavit/prescription shows that earlier, certain advice has been given by the White Field Orthopedic Clinic of Bengaluru on 02.09.2024 immediately whereafter, there is another prescription dated 04.09.2024 coming from the Ortho Care, Bokaro. This clearly shows his movement from Bengaluru to Bokaro in two days. Further, a cursory look on the two



prescription show that it talks about injury to the foot and nowhere speaks about any fracture to the leg.

7. On the last date of hearing (20.09.2024), learned counsel for the petitioner had made a false submission that the husband is in Bengaluru and due to fractured leg, his movement is restricted, in the supplementary affidavit his presence in Bokaro has been incorporated and the learned counsel acknowledges that on 20.09.2024, he was in Bokaro and not Bengaluru.

8. Besides, Mr. Dharendra Kumar Sinha, learned counsel for the informant, has provided the copy of another F.I.R. lodged on 28.01.2024 by the informant against this petitioner which relates to an incident that took place on 25.01.2024 in the Civil Court, Patna where during the consideration of the anticipatory bail application of the present accused, this petitioner threatened the lady to take back the case or else face the music. As per the F.I.R., she immediately went to the court room and informed the concerned learned Judge.

9. This led to the lodging of the **Pirbahore P.S. Case No. 62 of 2024** dated **28.01.2024** under section **504, 506, 509, 385 and 34** of the **Indian Penal Code** in which the petitioner is the sole accused.



10. This Court has also taken note of the order dated 22.02.2024 of the learned Additional Sessions Judge-10th, Patna in ABP No.10222 of 2023 (Ganga Ram Nayak and Ors. vs. The State of Bihar) in which while rejecting the prayer for the grant of anticipatory bail application amongst the other of the petitioner, it was observed as follows:-

*Heard both parties and perused the case record which shows that there is allegation against the accused persons including the petitioners to demand further dowry and to commit torture and atrocity upon the informant and non-fulfillment of the same. During course of hearing, it came to light that informant has recently i.e. on **28.01.2024** lodged **Pirbahore P.S. Case No. 62 of 2024** dated **28.01.2024** against co-accused **Prakash Kumar Nayak** stating therein that while she came out of court room after hearing of the anticipatory bail petition of accused persons and alleged that accused **Prakash Kumar Nayak** by handing up threatened the informant to withdraw this case otherwise, she will be killed and disappeared form Patna and also told that “**Court Se Bahar Niklo Sara Nachna Nikal Denge**”. The informant informed immediately this fact to the Court on which she was suggested to file a case for the same. Informant lodged a case for the same and filed a copy of this case. This fact supports the fact that*



the informant is subjected to torture and cruelty by the accused persons.

Hence, considering the aforesaid facts and circumstances of the case, prayer for anticipatory bail of the petitioner is hereby rejected.

11. The petitioner is an accused in the present case, he claims to be an employee of the Hazaribagh Civil Court (within the jurisdiction of Jharkhand), instead of trying to pacify the amicable settlement, using his clout and misusing his position as a Civil Court employee is threatening a helpless lady. This continuous criminal act despite pendency of a criminal case against him clearly shows that the petitioner has no fear for the rule of the law simply because he happens to be an employee of the Civil Court, Hazaribagh (Jharkhand).

12. Considering the aforesaid facts, no relief can be granted to the petitioner. It would be appropriate that he seek bail. The anticipatory bail stands rejected.

(Rajiv Roy, J)

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