

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39266 of 2016

In
CRIMINAL MISCELLANEOUS No.39266 of 2016

Arising Out of PS. Case No.-3683 Year-2013 Thana- SARAN COMPLAINT CASE District-
Saran

=====

Akhilesh Rai son of Shivjee Rai, resident of Village- Makanpura @
Makhanpura, P.S.- Jalalpur, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar
2. Nitu Kumari, wife of Akhilesh Rai, daughter of Birendra Kumar,
resident of Village- Makanpura @ Makhanpura, P.S.- Jalalpur,
District- Saran at Chapra. Presently residing at Village- Gouri, P.S.-
Manjhi, District- Saran at Chapra.

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar Rai, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 28-02-2024

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has filed the present application
under Section 482 of the Code of Criminal Procedure (in short
the “Cr.P.C.”) seeking quashing of order dated 30.10.2015
passed by learned Additional Sessions Judge – IVth, Saran at
Chapra in A.B.P. No. 2056 of 2015 in connection with
Complaint Case No. 3683 of 2013, Trial No. 2962/2014
registered for the offence under Sections 149, 341, 313, 307,



379, 498-A, 354(C), 376 and 511 of the Indian Penal Code.

3. The brief facts of the case is that the complainant/O.P. No.2 has filed the complaint case alleging therein that her marriage was solemnized with the one Akhilesh Rai (petitioner) as per Hindu rites and rituals and on the eve of marriage her father had given ornaments, cloths etc. to the petitioner and his family members as per capacity, but after some days, the accused persons demanded Rs. 4,00,000/- as dowry, which was not fulfilled, thereafter all the accused persons including petitioner tortured and assaulted the complainant/O.P. No.2. She further alleged that her husband (petitioner) has also solemnized another marriage with one lady namely, Swati Gupta at Kolkata, thereafter, the present complaint case has been filed before learned Chief Judicial Magistrate, Saran at Chapra.

4. Learned counsel appearing on behalf of the petitioner submitted that the matter was compromised between the parties and out of said compromise anticipatory bail was granted to the petitioner by learned A.D.J.-IV, Saran at Chapra vide order dated 14.09.2015 as passed in A.B.P. No. 2056 of 2015, imposing one of the condition that one of the bailor shall be the complainant/O.P. No.2/wife of the petitioner. It is



submitted that out of certain parental instigation/influence, complainant/O.P. No.2 could not come to court on the following date as to stand as bailor and surety for the petitioner in terms of order passed in A.B.P. No. 2056/2015. It is also submitted by learned counsel that the condition, as imposed, is absurd on its face as complainant/O.P. No.2 being complainant made bailor which learned trial court must be restrained to impose. It is submitted that out of said hardships the petitioner was not in position to furnish the bail bond before the learned trial court till now.

5. Learned A.P.P. for the State has opposed the application.

6. Despite repeated calls, no one turned up on behalf of the complainant/O.P. No.2.

7. In view of the aforesaid factual submission, the impugned order dated 30.10.2015 passed by learned Additional Sessions Judge – IVth, Saran at Chapra in A.B.P. No. 2056 of 2015 in connection with Complaint Case No. 3683 of 2013, Trial No. 2962/2014 is hereby quashed and set-aside.

8. Accordingly, one of the bailor must be close relative of the petitioner, subject to the satisfaction of learned trial court.

9. This application stands allowed.



10. At this stage, learned counsel appearing on behalf of the petitioner submitted that two weeks’ time be granted to furnish the bail bond by petitioner in aforementioned complaint case.

11. Considering the nature of case and hardships, as faced by the petitioner, the bail bond, as furnished, be accepted by learned trial court within two weeks from today.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.02.2024
Transmission Date	29.02.2024

