

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48494 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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Adarsh Kumar Son Of Sunil Kumar Yadav Suman @ Sunil Kumar Yadav
Village- Khajuri, Ward No. 7, P.S.- Saur Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Renu Kumari D/O- Vishnudeo Yadav, W/O- Adarsh Kumar Village- Khajuri,
Ward No.7, P.S.- Saur Bazar, Distt.- Saharsa, At Present Village- Bakhri,
P.S.- Saur Bazar, Distt.- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Protest-Complaint Case no. 39C of 2023 wherein cognizance has been taken under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. It is submitted by learned counsel for the petitioner that as per the prosecution case the alleged marriage of the petitioner with the opposite party no. 2 took place on 7.3.2018. As per the allegations in the F.I.R, on the opposite party no. 2 reaching her husband's place, she was tortured for demand of



dowry of Rs. 10,00,000/-.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. In fact the petitioner was a minor and had been forcibly kidnapped by the other side for the purpose of marriage. On investigation of the false F.I.R registered against him, the police authorities submitted Final Report no. 58 of 2021 (Annexure-1) on 31.12.2021 finding the case to be false. However, in view of the fact that the protest petition had been filed by the informant on 26.8.2021, the same was treated to be a complaint, an inquiry conducted and cognizance has been taken by order dated 10.8.2023 (Annexure-P/3) against the petitioner under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. Learned counsel for the petitioner submits that the petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2. Learned counsel for the opposite party no. 2 submits that the petitioner happens to be the husband of the opposite party no. 2. Not only is he named in the complaint but there is direct allegation against him which has been supported by the inquiry witnesses. The opposite party no. 2 is ready to settle the case



through mediation.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner, the authorities having found the allegations levelled in the initial F.I.R dated 10.8.2021 to be false, final form having been submitted in the case and cognizance having been taken against the petitioner only on the protest-complaint petition filed by the opposite party no. 2 together with the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Protest-Complaint Case no. 39C of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saharsa.

(Partha Sarthy, J)

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