

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49241 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- BHORE District- Gopalganj

Pintu Rajbhar @ Pintu, aged about 25 years, Son of Sigasan Rajbhar, Resident of Village - Parsauni Bujurg Bharpatiya Khalwatola, P.S.- Taraiya Sujan, Distt.- Kushi Nagar, (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar.
2. Rubi Devi, aged about 22 years, W/o Pintu Rajbhar, D/o Sahdeo Rajbhar, Resident of Village - Parsauni Bujurg Bharpatiya Khalwatola, P.O.- Dharam Parsa, P.S.- Taraiya Sujan, Distt.- Kushi Nagar, (Uttar Pradesh). Present Address- Kalyanpur Bhartholiya, P.S.- Bhore, Distt.- Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sushil Kumar, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present despite notice has been received personally by the opposite party no. 2.

3. The petitioner is apprehending his arrest in connection with Bhore P.S. Case No. 85 of 2022 dated



15.01.2022 registered for the offences punishable under Sections 323, 420, 498A of the I.P.C. and Sections 3/4 of the D.P. Act.

4. As per the prosecution case, the marriage of the informant Rubi Devi was solemnized with the petitioner Pintu Rajbhar on 29.05.2019 in accordance with Hindu Rites and Custom and a son was born from their wedlock. It is further alleged that the in-laws of the informant instigated her husband to solemnize second marriage and her husband solemnized second marriage with her younger sister Madhuri Devi by enticing her and her husband kept her at his house. Thereafter, the accused persons used to torture her mentally and physically and on 08.12.2021, the accused persons committed Mar-pit with her and ousted her from her matrimonial home retaining her belongings. She came to her maternal home with her son. Lastly, a Panchayati was convened on 28.12.2021 in which the accused persons refused to keep her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the



alleged offence. It is further submitted that the petitioner is living in his in-laws' house (Sasural) and so no question is arisen about demanding dowry or torturing her for dowry demand. However, the petitioner is ready to keep the informant as wife with full dignity and honour as stated in paragraph no. 11 of the bail petition. There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of "***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***, reported in ***2006(3) PLJR 182***" and in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351*** and ***Md. Asfak Alam Vs. The State of Jharkhand & Anr.*** passed in ***Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023***. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Gopalganj in connection with Bhore P.S. Case No. 85 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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