

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61328 of 2024

Arising Out of PS. Case No.-326 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Mani Ranjan Kumar @ Mani Kanchan Kumar Son of Rajendra Prasad
Resident of Village- Gadarpura, P.S.- Belchhi, Distt.- Patna, at present
Resident at Apexa Nagar, Surat City, Surat, Gujarat

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Kumari Wife of Mani Kanchan Kumar Resident of Village-
Gadarpura, P.S.- Belchhi, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Advocate
For the State	:	Ms. Asha Kumari, APP
For the Complainant	:	Mr. Ashok Kumar Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-09-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Complaint Case no.326C of 2021 registered for the offence punishable under sections 498A, 406, 379, 494, 341, 323 and 504 of the Indian Penal Code.

3. As per the prosecution case, the complainant states that she was married to the petitioner on 25.8.2012. At the time of marriage, Rs.2 lacs in cash besides ornaments etc. were given. It is further stated that soon thereafter, the accused persons started to abuse and assault her for getting a further sum



of Rs.1 lakh from her father. She was threatened that if she did not get the amount, the petitioner would perform a second marriage. Finally the petitioner entered into a second marriage, retained all her ornaments and valuables and forced her out of the house. She was threatened that if she returned, she would be burnt.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Both the petitioner and the complainant were earning their livelihood in Surat in the State of Gujarat where they were in a live-in-relationship. Belonging to the same village, marriage could not be performed between them. No marriage has ever taken place between the petitioner and the complainant and it is for this reason that the complainant has no evidence of the same. The relationship between the parties was consensual. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. Learned counsel for the complainant submits that not only the petitioner is named in the FIR but there is direct allegation against him of having married the complainant on 25.8.2012. It is categorically stated that he along with others made demand of



Rs.1 lakh, tortured and assaulted the complainant and forced her out of the house giving threats of being burnt alive. It is for this reason that finding material, the learned trial Court has taken cognizance under section 498A and 323 of the Indian Penal Code.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the complaint, the petitioner having no 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 Complaint Case no.326C of 2021 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 Judicial Magistrate 1st Class, Barh, District Patna, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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