

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62599 of 2023

Arising Out of PS. Case No.-293 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Sonu Dubey @ Arvind Dubey @ Arvind Kumar Dubey S/o Ram Ashish
Dubey R/o village - Doia, P.O. - Mamrejpur, P.S. - Chenari, Distt. - Rohtas
... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Dubey W/o Sonu Dubey @ Arvind Dubey @ Arvind Kumar Dubey,
D/o Dinesh Pandey R/o vill - Doia, P.O. - Mamrejpur, P.S. - Chenari, Distt. -
Rohtas, at present - Madra, P.O. - Baradhi, P.S. - Chainpur, Distt. - Kaimur
(Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 293 of 2023 instituted for the offence
punishable under Sections 498A, 323 and 313 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The case of prosecution, in short, is that the
marriage of the complainant was solemnized with petitioner on
18.02.2022. At the time of marriage, in-laws family demanded a
bullet motorcycle from her father. After intervention of relatives,
the marriage was performed and she went to her in-laws house,
but she was not kept well for a single day. The in-laws family
always demanded bullet motorcycle and mentally tortured her.



Petitioner brought her husband on the pretext of treatment and without her consent took her signature over bond paper and got her aborted. Thereafter, they snatched all her ornaments amounting to Rs. 2,50,000/- and left her in the area of her village.

4. Earlier, at the request of the learned counsel for the parties, the matter was referred to Patna High Court Mediation and Reconciliation Centre for exploring the possibility of amicable settlement of the disputes between both the parties, but from the Mediator's report dated 15-12-2023 (Flag-A), it appears that the mediation between the parties failed.

5. Learned counsel for the petitioner submits that on the last date i.e., on 06-09-2024, nobody appears on behalf of the Opposite Party No.2. and the case was adjourned to be listed on 13-09-2024. Today, also nobody appears on behalf of the Opposite Party No.2.

6. Learned counsel for the petitioner further submits that petitioner is the husband of O.P. No.2. It is next submitted that in paragraph No.4 of the Complaint Petition, it is specifically mentioned that complainant was earlier married with Sonu Pandey and she is having four years girl child born from wedlock of Sonu Pandey. The said marriage was dissolved



by the *Sarpanch* of *Gram kutchery*. It is submitted that this fact has been suppressed by the complainant as well as her parents and without giving information of first marriage, which is legally subsisting till date, she has performed second marriage. Also, the earlier marriage of the complainant with Sonu Pandey has not been annulled by any Competent Court. Lastly, it has been submitted that petitioner has no criminal antecedents.

7. Learned APP has opposed the prayer for anticipatory bail.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Kaimur at Bhabhua, in Complaint Case No. 293 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

9. The application stands allowed.

(Khatim Reza, J)

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