

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72407 of 2022

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHILA P.S. District- Bhojpur

RAHUL KAHAR @ RAHUL SINGH Son of Surendra Kahar @ Surendra
Singh R/V- Dhanchhua, P.S- Chauri, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 04-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 498A/34 of the Indian Penal Code and Sections 3 and 4 of
the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
present case by the informant. It is further submitted that
informant has died for which a supplementary affidavit has been
filed bringing the said fact on record. It is next submitted that as
far as allegation of demand and torture for non-fulfillment of the
dowry demand is alleged, the same is general and omnibus in
nature but then the thrust of the allegation is that the wife of the
petitioner had seen him and her sister-in-law (Jethani) in a



compromising position since they were having illicit relationship. It is also alleged that since the wife had seen the petitioner along with her sister-in-law in a compromising position as such she was thrown from the terrace on account of which she suffered fracture of the hip and was under treatment.

4. Learned counsel for the petitioner submits that the date of occurrence is 01.01.2019 and the FIR came to be instituted on 05.06.2019. It is further submitted that had there been any truth in what has been alleged in the FIR then definitely the wife of the petitioner would have disclosed the said fact to the Doctors and the hospital authorities even but then no FIR came to be instituted after the occurrence rather five months after the occurrence the instant FIR came to be instituted which casts an aspersion on the case of the prosecution. Learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhojpur Mahila P.S. Case No. 98 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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