

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45014 of 2024

Arising Out of PS. Case No.-667 Year-2023 Thana- BRAHMPUR District- Buxar

Mukesh Kumar Pandey son of Late Birendra Pandey Village- Udawantnagar
Ps- Udawantnagar Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o- Vijay Shankar Mishra Village- Raghunathpur Ps-
Brahampur dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shiv Prasad Gupta
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad Mr. Alok Choubey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-01-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State, Shri. Chandra Bhushan Prasad and the
learned counsel appearing on behalf of the OP No. 2.

2. The petitioner apprehends his arrest in connection
with Brahampur PS. Case No. 667 of 2023, registered for the
offences punishable under Sections 341, 323, 498A, 504, 506
and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry
Act.

3. The learned counsel appearing on behalf of the OP
No. 2 submits that the case was taken up earlier on 8-8-2024,
wherein a specific submission was made on behalf of the
petitioner that in the event if it is found that the OP No. 2



suffered any injury, in that event, he will withdraw the anticipatory bail application. It is next submitted that on 8-8-2024, when the case was taken up, the Investigating Officer of the case was directed to remain physically present before this Court on 12-8-2024, it is submitted that on 12-8-2024, the Investigating Officer of the case was present and was directed to file a counter-affidavit, the counter-affidavit has been filed but the same is not on record, but then a copy of the same has been provided by the learned counsel for the petitioner.

4. After hearing the learned counsel for the parties, the Court was not inclined to grant anticipatory bail to the petitioner, on which the learned counsel appearing on behalf of the petitioner submitted that one co-accused, Saroj Devi, was granted the privilege of anticipatory bail by a learned Co-ordinate Bench, as such the case be sent to the same Bench, on which the learned counsel appearing on behalf of the OP No. 2 submits that the case was earlier taken up on 25-9-2024 by the Bench of Hon'ble Mr. Justice Anjani Kumar Sharan and the case was directed to be listed before an appropriate Bench after seeking permission from Hon'ble the Chief Justice, it is next submitted that the case has been listed before this Court in pursuance of the order of Hon'ble the Chief Justice. From the



records also, it manifests that the case has been listed before this Court on the orders of Hon'ble the Chief Justice.

5. Learned counsel appearing on behalf of the OP No. 2 submits that from perusal of allegation as alleged in the FIR, it would manifest that the informant alleges that she was married to the petitioner on 18-6-2018 and out of the wedlock, a child was born, but after the birth of the child, the accused persons including the petitioner started torturing the OP No. 2 demanding dowry of Rs. 7 lakh, on objection she was assaulted and the accused used to keep her locked in room for 4-5 days without food, further on account of torture, her health deteriorated, when the accused persons including the petitioner under a conspiracy in the name of treating the informant took her to village Painal and kept her in a rented premises under confinement and informed the family members of the OP No. 2 that OP No. 2 has died. It is also alleged that while OP No. 2 was confined in the rented premises, she was assaulted brutally leading to fracture of her hand and assault was also made by knife, further the OP No. 2 was not in a position to recollect that what medicines were being administered to her, further on account of starvation, her vision also deteriorated and her body was full of hairs and she became like a skeleton. It is further



alleged that somehow her father came to know about her confinement, as such he along with her brother and Mukhiya of the village along with Police force came at the rented premises and recovered the OP No. 2 and thereafter she was taken to the hospital for treatment.

6. The learned counsel appearing on behalf of the OP No. 2 thus submits that from perusal of the allegation, it manifests that the petitioner treated the informant inhumanely. It is also submitted that from perusal of the injury report annexed as Annexure-A to the counter-affidavit, it would manifest that the Doctor has recorded that the OP No. 2 was found malnourished and was having cachexic look and four injuries were found; two on hip, one on shoulder and multiple abrasions on right cheek, though the injuries are opined to be simple. It is further submitted that the OP No. 2 for better treatment was taken to Banaras Hindu University where she was referred to the Department of Neurology on 17-7-2023, as she was found a case of post traumatic loss of vision and inability to walk, accordingly MRI Brain, MRI cervicodorsal spine, NCV and blood test were advised.

7. Learned counsel appearing on behalf of the OP No. 2 thus submits that it absolutely does not stand to reason that



how the Doctors at the PHC (Primary Health Centre) found the injuries on the body of the OP No. 2 to be simple, when from perusal of the report of BHU annexed as Annexure-E to the counter-affidavit, it manifests that several advice were given to the OP No. 2 as recorded hereinabove and she was found to be a case of post traumatic loss of vision, which corroborates the allegation as alleged in the FIR.

8. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case, being husband. It is further submitted that since the petitioner is a Hawker, as such he had shifted along with OP No. 2 to Painal village, where he was staying with her and also got her treated for her ailments as she was suffering, but for reasons best known, the OP No. 2 instituted the instant false case, but then is not in a position to rebut the allegation as alleged in the FIR, that OP No. 2 was recovered from the rented premises by the police and her family members.

9. The said submission of the learned counsel appearing on behalf of the petitioner is vehemently rebutted by the learned counsel appearing on behalf of the OP No. 2 and submits that even the allegation, as alleged in the FIR, gets corroborated from the injury report.



10. Considering the submissions made by the learned counsel appearing on behalf of the OP No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

11. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

