

## Krishna Kant Rajak @ Krishna Padmesh Vs The State of Jharkhand and Usha Devi

**Court:** Jharkhand High Court

**Date of Decision:** July 5, 2012

**Acts Referred:** Dowry Prohibition Act, 1961 " Section 3, 4  
Penal Code, 1860 (IPC) " Section 323, 34, 341, 379, 498A

**Citation:** (2012) 4 JCR 589

**Hon'ble Judges:** Jaya Roy, J

**Bench:** Single Bench

**Advocate:** Prabhas Chandra Jha, for the Appellant; Shekhar Prasad Sinha, Advocate for the Opp. Party No. 2, for the Respondent

**Final Decision:** Dismissed

### Judgement

Jaya Roy, J.

Heard the learned counsel for the petitioner, the learned counsel for the State and the learned counsel for the opposite party

no. 2. Petitioner is an accused in a case registered under Sections 341/323/379/ and 498A/34 of the I.P.C. and u/s 3/4 of the Dowry Prohibition

Act.

2. The learned counsel for the petitioner has submitted that the opposite party no. 2 had stayed at her Matrimonial House only for few days after

her marriage and on 19.03.2009 she left her Matrimonial house taking her all ornaments, clothes and other articles without giving any information

even to her husband (the petitioner). It is also submitted that S.P. Dhanbad had got the matter inquired by the Police Inspector, Topchanchi and

the report submitted by the said Inspector, shows that the entire allegations made in the F.I.R. are totally false. It is also contended that the

petitioner is mentally retarded and he is under the medical treatment from 2008. It is also contended that the father of the present petitioner always

ready to keep the opposite party no. 2 with them and he had requested the opposite party no. 2 for several times to come back but she did not

agree to come back.

3. The learned counsel for the opposite party no. 2 has submitted that after the marriage, the petitioner and other co-accused demanded fifty

thousand rupees cash and non payment of the same, they including the petitioner, started assaulting the opposite party no. 2 and treated her with

cruelty. It is also submitted that on 15.3.2009 the petitioner had demanded again the aforesaid amount and when the informant refused, she was

brutally assaulted by the petitioner and other co-accused. On 19.3.2009 the mother of the informant came to the opposite party no. 2 and tried to

settle the dispute but as the matter was not settled, she took the informant at her own house. It is also stated that even on mobile phone, the

petitioner and his parents threatened the informant and said they would solemnize marriage of the petitioner with another lady if the demand is not

fulfilled by the informant or her family members.

4. The learned counsel for the State has submitted that it has come in the impugned order that the report of the Inspector submitted to the S.P.

Dhanbad shows that he had recorded the statements of the opposite party no. 2 (the informant) in which she has stated that her in-laws at her

matrimonial house used to harass her and her husband (the petitioner) is a mental patient. It is further submitted by the State counsel that the

certificate of the C.M.O., Allahabad shows that it is case of moderate mental retardation. Considering the submissions made by the parties and

perused the material on records, I find there is specific allegation against the petitioner and other co-accused regarding torture and demand of

dowry. Further more, though it is argued that the petitioner is a mental patient but the report of C.M.O., shows about him that it is case of

Moderate menial retardation, therefore, at least he is having capacity of understanding. Considering all these aspect, I am not inclined to grant

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