

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8706 of 2015

Arising Out of PS.Case No. -823 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Vikash Kumar @ Bikash Kumar resident of village - Bishanpur Jichho,
P.S. - Lodipur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Veena Devi D/o - Sri Ramdhan Das resident of village and P.O. -
Bishanpur Jichho, P.S. - Lodipur, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 05-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The complainant and the petitioner are present. The petitioner denies the factum of marriage. However, the complainant claims that she was married with the petitioner and



out of the wedlock she has a female child. It is further claimed by the petitioner that the complainant is in habit of lodging frivolous cases for extorting money. FIR of Lodipur P.s. Case No. 27 of 2012 registered under sections 448,341,323,376/511 IPC and sections 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act filed by complainant against others has been brought on record. The complainant is ready to resume the conjugal life.

Considering the fact that the factum of marriage is in dispute and both sides agree for DNA of the child to be matched with the petitioner, the petitioner is directed to be released on anticipatory bail provisionally for six months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur in connection with Complaint Case No. 823 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below get the DNA of the child matched with the petitioner through some authorized medical centre.

The provisional bail of the petitioner will be confirmed

by the learned court below if the DNA of the petitioner does not match with the child but if it matches and the petitioner gets agree to reconcile the issue otherwise, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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