

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31147 of 2014

Arising Out of PS.Case No. -1297 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

=====

1. Vivek Kumar Singh @ Vivek Singh Son of Birendra Singh resident of
village- nachap, P.S.- Manjhi, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anamika Devi daughter of Surendra Singh resident of village- Benaut,
P.S.- Rasulpur, District- Sarasn (Chapra).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 15-04-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under section 498 (A) of the I.P.C and section 3 & 4 of the Dowry Prohibition Act.

Allegedly, after death of elder sister of the complainant she was married to this petitioner. Marriage of the complainant was solemnized with the petitioner in Dharmnath Temple of Chapra town and after some days the petitioner and others started demanding Rs. 5,00,000/- to purchase building in

Kolkata and for that she was being tortured and lastly she was ousted from in-laws house after retaining her belongings.

Submission is of false implication and that the petitioner was married with elder sister of the complainant and she died in course of treatment at Srirampore Hospital, District-Hoogly, West Bengal for which father of the complainant lodged Srirampore P.S. Case No. 271 of 2013 under sections 498 (A) and 306 I.P.C wherein the petitioner has been granted regular bail, so no question arises to solemnize second marriage with younger sister of the complainant. As a matter of fact, the petitioner was never married with the complainant.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that the marriage was solemnized in a temple and there is joint photograph to that extent.

Considering that father of the complainant has lodged Srirampore P.S. Case No. 271 of 2013 under sections 498 (A) and 306 I.P.C against the petitioner and others wherein the petitioner has been allowed regular bail and as such considering the claim and counter claim denying the marriage itself, the petitioner in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail

on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. S.D.J.M. Saran at Chapra in Complaint Case No. 1297 of 2013/ Trial No. 2426 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

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