

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21187 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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1. Vikash Kumar Srivastava @ Vikash Kumar Son of Awadhesh Prasad @
Ramaswadhes Lal,

.... Petitioner/s

Versus

1. The State of Bihar

2. Priyanka Devi, W/o Vikash Kumar Shrivastava @ Vikash Kumar,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 365, 494, 498A and 506/34 of the Indian Penal Code.

The accusations are of confining the informant, inflicting torture and performing second marriage.

Love marriage between the petitioner and the informant is admitted.

It is submitted by learned counsel for the petitioner that Sikarpur P.S. Case No. 204 of 2011 was filed with accusation of torture for non-fulfilment of the dowry demand and making attempt to perform second marriage. The informant was examined



as P.W.-1 in the said case where she denied the accusation of torture hence the petitioner was acquitted by learned court below vide judgment dated 10th of January, 2014 passed by learned SDJM, Bettiah, subsequently Matrimonial Suit No. 371 of 2014 was filed on 17.04.2014 for divorce under Section 13(B) of the Hindu Marriage Act and thereafter the present case was filed on 19.02.2015.

It is submitted by learned counsel for the informant that under coercion, the informant has to depose in the earlier criminal case and the matrimonial suit has fraudulently been filed for divorce under Section 13(B) of the Hindu Marriage Act, hence, application to that effect has been filed by the informant before the learned court below.

Considering the fact that almost with similar accusation in the earlier case, the petitioner has been discharged on the basis of evidence of the informant and the matrimonial suit for consent divorce is pending between the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned C.J.M., West Champaran in connection with Bettiah (Town) P.S. Case No. 93 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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