

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9069 of 2016

Arising Out of PS.Case No. -1672 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

=====

1. Pawan Kumar Modi S/o Rajendra Modi R/o Village - Arma, P.S. -
Kajra, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi W/o Pawan Kumar Modi, D/o Sudish Chaudhary R/o Chhoti
Yusufpur, P.S. - Industrial Area, District - Vaishali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Anuradha Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-10-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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-fulfilment of dowry demand.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but the complainant has performed second marriage with one Rohit Kumar and one child was also born out of the second marriage. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That, after filing of this case, Pinki Devi has solemonized second marriage with Rohit Kumar son of Parmanand Singh of Village-Vihwarpur, Post-Mathurapur, P.S.-Bidupur, District-Vaishali and from their wedlock one child was also born.”

It is submitted by learned counsel for the complainant that complainant admits performance of second marriage. The complainant only wants that the motorcycle which was given to the petitioner, which is registered in the name of the complainant should be given to her apart from her other belongings.

Considering the fact that claim of the complainant for return of motorcycle and other articles can not be decided in the present proceeding and in view of the fact that complainant admits to have performed second marriage, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 1672 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Shageer/-

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