

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38782 of 2016

Arising Out of PS.Case No. -6615 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

=====

Vikash Kumar @ Vikash Prasad Son of Vishnudhari Prasad @ Bishundhari Prasad resident of Village Usaripar, is also known as Ushri, P.S. Pakaribarawan, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari wife of Vikash Kumar D/o Ram Saran Prasad, resident of village Kasturi Bigha, P.S. Kashichak, District Nawada.

.... Opposite Party/s

=====

With

Criminal Miscellaneous No.38388 of 2016

Arising Out of PS.Case No. -6615 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Vishnudhari Prasad @ Bishundhari Prasad son of Late Munsu Singh
 2. Manju Devi wife of Vishnudhari Prasad @ Bishundhari Prasad Both residents of Village Usaripur, is also known as Ushri, P.S. Pakaribarawan, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari wife of Vikash Kumar D/o Ram Saran Prasad resident of Village Kasturi Bigha, P.S. Kashichak, District Nawada.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.38782 of 2016)

For the Petitioner/s : Mr. Lilawati Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

(In Cr.Misc. No.38388 of 2016)

For the Petitioner/s : Mr. Lilawati Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/

09-12-2016

Heard learned counsels for the petitioner, State

and the complainant.



The petitioner in Cr. Misc. No. 38782 of 2016 being the husband of the complainant and the petitioners in Cr. Misc. No. 38388 of 2016 being the parents of the husband of the complainant are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, though the complaint was filed with accusation under Sections 313, 323, 406, 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and getting the pregnancy terminated.

It is claimed by the complainant that the petitioner Vikash Kumar and the complainant were in love from before and the marriage was performed in the premises of police station, but thereafter torture was inflicted for non-fulfillment of the dowry demand.

Learned counsel for the petitioners submits that the petitioner Vikash Kumar denies the factum of marriage. There is no medical report with regard to the termination of the pregnancy.

Considering the thrust of accusation against the



petitioner Vikash Kumar @ Vikash Prasad, let him be released on provisional anticipatory bail provisionally for six months, in the event of his arrest or surrender before the learned court below within a period of twelve 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 learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 6615 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of the marriage. If the learned court below, prima facie, comes to a conclusion that the petitioner has not performed marriage with the complainant then the provisional bail will be confirmed, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for bail.

Considering the thrust of accusation against Vikash Kumar @ Vikash Prasad, let the above named petitioners of Cr. Misc. No. 38388 of 2016 be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 6615 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

DKS/

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

