

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42311 of 2016

Arising Out of PS.Case No. -458 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Vikash Kumar son of Binod Kumar @ Arbind Kumar Resident of Mohalla- Chandmari, P.O. and P.S.- Motihari Town, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rinki Gupta wife of Vikash Kumar resident of Mohalla- Chandmari, P.O.+P.S.- Motihari, Town District- East Champaran. at present D/o Ram Naresh Prasad Resident of Village- Turkauliya, P.O. and P.S. Turkauliya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant on 29.04.2013, but thereafter the informant lodged four cases including the present one with similar



accusation being Motihari Mahila P.S. Case No. 02 of 2015 with accusation under Sections 341, 323, 504, 379, 498A/34 of the Indian Penal Code, Motihari Town P.S. Case No. 57 of 2015 with accusation under Sections 323, 504, 506, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, Complaint Case No. 3145 of 2013 with accusation under Sections 498A, 307, 406, 504, 506, 324, 344, 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act and fourth one is present case. The petitioner is on bail in all the three cases. Statement to that effect has been made in para-3 of the petition. It is further submitted that petitioner has filed Matrimonial Suit No. 232 of 2014 with a prayer for restitution of conjugal life, whereas the informant had filed Divorce Case No. 265 of 2015 with a prayer for divorce, but subsequently withdrew the said suit. It is further submitted that petitioner is still ready to keep the complainant with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That it is respectfully submitted that the petitioner is ready to keep the informant with full respect and dignity as wife.”

Considering the fact that with similar accusation petitioner has been made accused in three cases and he is on bail in all the cases and the present stand of the

petitioner made in para-8 of the petition, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 458 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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