

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29229 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -MAHILA P.S. District- NAWADA

Rakesh Kumar, S/o Upendra Singh

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Guriya Kumari Wife of Rakesh Kumar

.... Opposite Party/s

with

Criminal Miscellaneous No.29427 of 2016

Arising Out of PS.Case No. -1435 Year- 2015 Thana -NAWADAH COMPLAINT CASE District- NAWADA

Rakesh Kumar, S/o Upendra Singh

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Guriya Kumari Wife of Rakesh Kumar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.29229 of 2016)

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

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

(In Cr.Misc. No.29427 of 2016)

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

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2016 Heard learned counsels for the petitioners and the State.

In both the above criminal miscellaneous applications the petitioner is the husband of the informant/complainant.

Criminal Miscellaneous No.29229/2016 has been preferred with a prayer for anticipatory bail in connection with Nawada Mahila P.S. Case No.18/2016, registered for the offences punishable under sections 498A, 494, 341, 323, 504/34 of the



Indian Penal Code and 3/4 of the Dowry Prohibition Act whereas Criminal Miscellaneous No.29427/2016 has been preferred with a prayer for anticipatory bail in Complaint Case No.1435/2015, wherein process has been directed to be issued after cognizance being taken under sections 498A, 354 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

In Nawada Mahila P.S. Case No.18/2016, the basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage whereas in Complaint Case No.1435/2015 basic accusation is of torture for non-fulfillment of dowry demand and outraging the modesty of the complainant.

It is submitted by learned counsel for the petitioner that the petitioner was kidnapped and was forced to marry with the informant\complainant leading to registration of Akbarpur P.S. Case No.80/2013, lodged by the father of the petitioner namely Upendra Singh, levelling accusation under sections 364/365/34 of the Indian Penal Code on 05.03.2013. In the said Akbarpur P.S. Case No.80/2013, the petitioner's statement under section 164 Cr.P.C. was recorded wherein the petitioner supported the accusation of kidnapping and the final report (charge-sheet) was submitted under sections 363/365/34 of the Indian Penal Code, against the informant's family. The petitioner filed Matrimonial Suit No. 300/2015, under section 11 of the Hindu Marriage Act,

for declaring the marriage *null and void* and thereafter, the informant/complainant filed the present Complaint Case No.1435/2015 and Nawada Mahila P.S. Case No.18/2016 on 19.11.2015 and 16.04.2016 respectively. Learned counsel for the petitioner further submits that both the cases have been filed as a retaliatory measure since the father of the petitioner filed case at earlier point of time levelling accusation of kidnapping against the informant's/complainant's family.

Considering filing of the matrimonial suit as well as police case at the behest of the petitioner at earlier point of time, let the above named petitioner Rakesh Kumar be released on anticipatory bail in both the cases aforementioned, 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) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Nawada, in connection with Nawada Complaint Case No.1435/2015 and Nawada Mahila P.S. Case No.18/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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