

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28565 of 2017

Arising Out of PS.Case No. -84 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Umakant Kumar S/o Sri Nitai Kumar, resident of Chandil, P.S. Chandil,
District-Saraikela, Kharsawa State Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kunti Devi W/o Umakant Kumar, D/o Late Ram Chandra Prasad,
Resident of Village-Ajmganj Laheta, P.S.-Dharahara, District-Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing for opposite

party no. 2.

Petitioner is languishing in judicial custody since
11.04.2017 in connection with Complaint Case No. 84C/2014
registered for the offence punishable under Sections 498-A, 379,
323 of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

The prosecution case, as lodged by the complainant, is
that she was married to the petitioner, who is her husband, in the
year 2007 and for 4-5 years they had cordial relationship, but



thereafter she was subjected to torture and demand of dowry by the husband and in-laws.

It has been submitted by the learned counsel for the petitioner that the complainant was a married lady and he is alleged to be the second husband, but has never subjected her to torture. He disputes his relationship with the complainant as husband and wife and submits that no case is made out against him.

However, learned counsel for the complainant submits that the petitioner is the second husband as she has a child born out of the relationship and the marriage was on an affidavit and even P.R. bond would reveal that he is the second husband of the complainant. On earlier occasion, the petitioner had also assaulted the complainant and he undertook to keep his wife, the complainant with full dignity and honour, and that even now she is ready to live with the petitioner if she is kept with full dignity and honour.

Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on



provisional bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Munger in connection with Complaint Case No. 84C/2014, subject to the condition that the petitioner and the complainant will appear before the learned court below on 24.07.2017.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Nilu Agrawal, J)

Rajesh/-

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