

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3952 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -MAHILA PS District- GAYA

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Vikash Kumar Singh, son of Narayan Singh, Resident of Mohalla-Bahuar
Chaura, near Swarnkar Mandir, P.S.- Vishnupad, Dist- Gaya..... Petitioner
Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 08-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Mahila P.S. Case No. 72 of 2016 registered for the offences
punishable under Section 498A, 323, 506 and 494/34 of the Indian
Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the informant was married to the petitioner
on 02.11.2006 in Bageshwari temple and for some time they lived
together happily but thereafter the petitioner and others started
assaulting her, resulting, there was abortion and case was filed and
in that case the petitioner executed bond and brought the
informant to his house and started keeping her well but thereafter,
the petitioner performed marriage with Nidhi Kumari and the
petitioner, mother-in-law Prabha Devi and Nidhi Kumari assaulted
the informant and caused threats to kill her and then this case was



lodged.

Submission is of false implication and that the informant was married with Dharmendra Kumar and without taking divorce how second marriage can be performed. The petitioner is not the legally married husband of the informant. The case has been filed with wrong allegations and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that in the bond, executed in earlier case, the petitioner has accepted regarding the marriage performed on 26.11.2006 in Bageshwari temple and, as such, now the petitioner cannot take that plea. The informant has been tortured brutally again and the petitioner has performed second marriage and as such, he does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant the privilege of pre-arrest bail to the petitioner and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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