

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46951 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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Vikash Kumar @ Batish son of Late Ram Nagina Rai, Resident of Village-
Chiraiyatard, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Puja, Daughter of Daroga Rai, Resident of Village- Hiranibagh,
Gaushala, P.S.- Mufasil, District- Chapra, Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Advocate
For the State : Mr. J. N. Thakur, APP
For the Informant : Mr. Binod Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-05-2017 Heard learned counsels for the petitioner and the
informant as well as learned APP for the State.

The petitioner and the parents (opposite party nos. 2
and 3) of the initial informant Kumari Puja are present in the
Court.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341, 323, 316, 379 and 498A of the
Indian Penal Code.

The prosecution case got initiated on the basis of
Complaint Case No.1187/2016, filed by Puja Devi on 07.05.2016,
which subsequently, got registered as Chapra Muffasil P.S. Case



No.264 of 2016, after it was being transferred to the concerned police station under section 156(3) Cr.P.C., alleging therein that marriage of the informant was performed with the petitioner Vikash Kumar on 17.05.2014 but, thereafter, torture was inflicted, as a result of which, the pregnancy of the informant got terminated and she was driven out from the matrimonial house, after depriving her of all her belongings. Subsequently, the issue got reconciled, but on 18.04.2016, the accused persons attempted to kill the informant by causing burn injury. Thereafter, the informant came to her parents' house and filed the complaint. The investigation of the case is still pending.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant Kumari Puja. In fact, the marriage was performed on 17.05.2014, the informant stayed in the petitioner's house till 19.06.2014 and, thereafter, the informant went to her parents' house. On 08.08.2014, the petitioner went to the informant parent's house, when the informant complained about some pain. She was taken to doctor, then ultrasound was done upon which it was found that the informant is carrying a pregnancy of 17 weeks 5 days. Thereafter, the petitioner filed Matrimonial Suit No.300/2016 on 28.03.2016 with a prayer for divorce and thereafter, the complaint was filed



on 07.05.2016. It is further submitted that the informant Kumari Puja subsequently died at her parents' house on 4th of November, 2016 due to some illness. However, the issue got reconciled and the petitioner performed marriage with the younger daughter of the opposite party nos. 3 and 4 and younger sister of the informant and both are living happily together. Moreover, no medical document has been brought on record to suggest the fact whether the pregnancy of the informant was terminated.

This Court vide order dated 26.10.2016, issued notice to opposite party no.2, but the office note dated 08.02.2017, reflects that the process server has reported that opposite party no.2 is dead. In the circumstances, vide order dated 09.02.2017, the counsel for the petitioner was permitted to implead the parents of the informant as opposite party nos. 3 and 4, subsequently Mr. Binod Pandey learned counsel appeared on behalf of respondent nos. 3 and 4.

It is submitted by learned counsel appearing on behalf of opposite party nos. 3 and 4 that the informant died at her parents' house due to some illness. The petitioner has performed marriage with the younger daughter of opposite party nos. 3 and 4 and they are living happily together. Hence, he is not opposing the prayer for bail of the petitioner, though, no affidavit to the



aforesaid effect has been filed on behalf of the opposite party nos. 3 and 4.

Considering the stand of the parties and the nature of accusation, let the above named petitioner be released on anticipatory bail, 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Chapra Muffasil P.S. Case No.264 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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