

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37582 of 2018

Arising Out of PS. Case No.-529 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Kundan Kumar, Son of Sri Shiv Narayan Prasad, Resident of Village- Patokhari, Patel Nagar, Post Office- Dermo, Police Station- Akbarpur, District- Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Kumari, Wief of Kundan Kumar, Daughter of Sri Tuntun Prasad, R/o Vill- Patokhari, Patel Nagar, P.O.- Derma, P.S.- Akbarpur, District- Nalanda (Bihar). at present resident of Village- Yamuna Bigha, Police Station- Noor Sarai, District- Nalanda (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar
For the Opposite Party/s	:	Mr. Murlidhar
		Mr. Pankaj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 06-10-2018 Heard learned counsels for the parties.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the IPC.

The prosecution case as per the complaint petition filed by Rinki Kumari is to the effect that the marriage of the petitioner and the O.P. No. 2 was solemnized on 18.04.2016, but subsequent to marriage, further dowry demand was made and due to non-fulfillment of the same, torture was inflicted upon her. It is further alleged that on 20.05.2017, the accused persons assaulted the complainant -O.P. No. 2 and after snatching her



belongings, driven her out from the matrimonial house.

The petitioner and the complainant -O.P. No. 2 are present. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, having no issue. The petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition. However, it is submitted by learned counsel for the petitioner that the complainant -O.P. No. 2 has performed marriage on 29.04.2018 with one Shiv Kumar, son of late Chandeshar Mahto, resident of Village- Tini lodipur, P.S.- Chandi, District- Nalanda.

Learned counsel for the complainant submits that the complainant denies her second marriage, but she is not ready to accept the offer of reconciling the issue since she is apprehensive due to past conduct of the petitioner.

It appears that the petitioner is trying to reconcile the issue but it is the complainant who is not ready to make any effort at any cost, hence it does not appear that the issue may reconcile at present.

In the circumstances, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Nalanda at Bihar Sharif in connection with Complaint Case No. 529C of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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