

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30521 of 2018

Arising Out of PS.Case No. -1647 Year- 2009 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Rakesh Singh @ Rakesh Kumar @ Rakesh Kumar Singh, S/o- Sri Lalan Singh, Resident of Village- Sukuhi, P.S.- Shivsagar (Baddi O.P.), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Daroga Singh, S/o- Late Shree Singh, Resident of Village- Torana, P.O.- Torani, P.S.- Shivsagar, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 11-07-2018

Heard learned counsel for the petitioner,

State and the complainant.

The petitioner, being the husband of the daughter of the complainant is languishing in custody since 16.04.2018, in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case is that the complainant's daughter, Pavitra Devi was married with the petitioner on 09.05.2016, but subsequently, further dowry demand of a motorcycle was made and due to non-fulfillment of the same torture was inflicted upon her. Though, the



complainant made attempt to reconcile the issue, but it could not be reconciled and subsequently the complainant's daughter was driven out from the matrimonial house. Subsequently, the petitioner performed second marriage with one Sandhya Devi on 27.11.2009.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the daughter of the complainant, though, with regard to the biological father of the child born with the daughter of the complainant, there is a dispute and Matrimonial Suit No. 184 of 2015 has been filed with a prayer for dissolution of marriage and the same is pending before learned Principal Judge, Family Court, Rohtas at Sasaram, wherein the complainant's daughter has appeared.

Learned counsel for the complainant submits that the marriage between the daughter of the complainant and the petitioner is admitted. The petitioner has deserted the complainant's daughter and has performed second marriage. Moreover, the petitioner was granted provisional anticipatory bail by this Court vide Cr. Misc. No. 29134 of 2012 on the undertaking that the petitioner will keep the daughter of the complainant with dignity and honour, but he failed to comply the



undertaking, as a result, the provisional bail was cancelled in 2017.

Considering the nature of accusation and the fact that the petitioner is languishing in custody since last about three months, let the above named petitioner be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No. 1647 of 2009/ Trial No. 337 of 2018.

(Dinesh Kumar Singh, J)

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