

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8264 of 2019

Arising Out of PS. Case No.-302 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Vikas Kumar (Male), aged about 24 years, Son of Mahesh Sahani @ Mahesh Kumar Nishad, Resident of Mohalla- Hanuman Nagar (Kali Mandir), Yogipur, P.S.- Patrakar Nagar District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mintu Devi (Female), aged about 21 years, Wife of Vikas Kumar, Daughter of Shravan Kewat, Resident of Mohalla- Hanuman Nagar (Kali Mandir), Yogipur, P.S.- Patrakar Nagar, District- Patna.
At present Resident of Village- Nawada, P.O.- Rukhai, P.S.- Chandi, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsels for the petitioner,

complainant and the State.

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 offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.



The prosecution case as per the complaint petition is that the marriage between the complainant and the petitioner, Vikas Kumar was performed on 30.04.2015. Subsequently, they were blessed with a female child. Thereafter, further dowry demand of Rs.3,00,000/- and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant and ultimately on 17.05.2018, the complaint was driven out from her matrimonial house by the in-law family members including the petitioner

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.9 of the petition which reads as follows:-

“9. That the petitioner loves his wife and he is ready to keep her with full honour and dignity.”

It is submitted by the learned counsel for the complainant that the complainant is ready to except the offer of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.C.J.M., Hilsa, Nalanda**, in connection with **Complaint Case No.302(C) of 2018**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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