

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17359 of 2019

Arising Out of PS. Case No.-131 Year-2018 Thana- PHULWARIA District- Begusarai

Vikash Kumar, Son of Tuntun Ram, Resident of Village- Phulwaria, 01, Ward
No. 07, P.S.-Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neeta Kumari Wife of Vikash Kumar, Daughter of Bilash Ram Resident of
Village- Modangachi, P.S.- Mokama, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 23-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Phulwaria P.S. Case No.131 of 2018 for the offence punishable
under Section 498(A) of the Indian Penal Code and Section 3/4 of
Dowry Prohibition Act.

The allegation against the petitioner on the basis of
First Information Report lodged by the informant-Opposite
Party No.2 that the marriage of the informant was solemnized
with the petitioner on 30.09.2018 in a temple near Barauni
station in presence of Mukhiya, Dashrath Ram, member
Ramdulari Devi and co villagers, Umesh Ram. It has further



been alleged that after marriage, the petitioner brought the informant to his home where the mother-in-law and petitioner and other family members on 02.10.2018 demanded Rs. 3 lakhs cash, gold ornament and motorcycle etc. and due to non-fulfillment of the same, informant was being tortured mentally and physically by the petitioner and others and finally ousted her from matrimonial home.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case based upon on concocted story. Learned counsel further submits that fact of the matter is that petitioner was kidnapped by family members of informant and marriage of the petitioner was forcibly performed in a temple with the Opposite Party No.2, i.e., informant. Learned counsel further submits that from perusal of the FIR itself, it would be evident that no family members were present at the time of petitioner's marriage and the marriage is disputed inasmuch as the same has been performed without consent of the petitioner.

Learned counsel relying upon a complaint filed on the same date lodged before the CJM, Begusarai bearing Complaint Case No.1718 of 2018 lodged by mother of the petitioner against the family members of the informant-Opposite party



No.2 stating therein that all the accused persons therein forcibly took the petitioner and got his marriage performed in a temple along with Opposite Party No.2-informant. Learned counsel further submits that marriage itself is disputed and story mentioned in the compliant filed against the petitioner is completely baseless and imaginary. Learned counsel further submits that a matrimonial divorce case bearing No.17 of 2019 has also been filed by the petitioner for annulment of marriage before the Family Court, Begusarai which is still pending.

On the other hand, learned counsel appearing for Opposite party No.2-informant vehemently opposes the prayer for anticipatory bail and submits that informant-Opposite Party No.2 was being tortured by the petitioner and other family members due to non-fulfillment of demand of dowry and the petitioner does not deserve the privilege of anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the informant and taking into consideration the fact that the marriage has been disputed by the petitioner and further the petitioner has lodged a petition before the Family Court for annulment of marriage on the ground that the marriage was not performed with the consent of the petitioner, as such, I am inclined to grant anticipatory bail



to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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