

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15369 of 2019**

Arising Out of PS. Case No.-154 Year-2017 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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Vikash Kumar Saraf @ Vikash Kumar Sah @ Vikash Saraf, Son of Saryug Sah, Resident of Village-Chhota Pareuwa, Ward no.18, P.S.-Raxaul, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Devi, Wife of Vikash Kumar Saraf @ Vikash Kumar Sah @ Vikash Saraf, D/o Raghunandan Sah, Resident of Village-Jokiyari, P.S.-Raxaul, District-East Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kundan Rathore, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2      13-03-2019                      Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the complainant is apprehending arrest in a complaint case filed for the offences punishable under Sections 323 and 498A of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act and consequently, process has been directed to be issued after cognizance being taken.

The prosecution case as per the complaint petition is



that marriage between the complainant, Amrita Devi and the petitioner, Vikash Kumar Saraf was performed on 24.04.2012. Subsequently, they were blessed with a daughter. Thereafter, further dowry demand of Rs.1,50,000/- and a Hero Honda motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. It is further alleged that after snatching all the belongings, the complaint was driven out from her matrimonial house by the petitioners and other in law-family members and since last three years, the complainant has been residing in her parental house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he 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 it is humble stated and submitted that petitioner is the husband of the victim and he is ready to keep her with full honor and dignity but she does not want to live with the petitioner and his family.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

Considering that 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 **S.D.J.M., Raxaul, Motihari, East Champaran** in connection with **Complaint Case No.154 of 2017**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the complainant/Opposite Party No.2 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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