

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24997 of 2019

Arising Out of PS. Case No.-351 Year-2018 Thana- RAMPUR District- Gaya

VIKASH KUMAR SINGH Son of Dr. Devendra Prasad Singh Resident of
Village - Jagarnath Hospital and Research Center, Machhali Ghar, Booti
Road, P.S-Kotwali Ranchi (Jharkhand.)

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Aprajeeta D/o Late Dr. Sachitanand Singh Resident of Village - Gewal
Bigha, near S.P. Koshi, P.S.- Rampur, Distt.- Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Manoj Kumar Singh, Advocate
For the State	:	Mr.Rajeev Nayan, APP 231
For the O.P. No. 2	:	Ms. Tanuja Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Smt. Tanuja Mishra, learned counsel submitted that she has been appointed by the High Court Legal Service Committee to represent the case of opposite party no. 2, as the previous conducting lawyer for opposite party no. 2, who was appointed by the High Court Legal Service Committee has expressed his inability to conduct the case due to unavoidable and compelling reasons.

She is permitted to argue the case on behalf of opposite party no. 2.

The petitioner seeks pre-arrest bail in connection with



Rampur P. S. Case No. 351 of 2018 registered under Sections 498 A, 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submitted that there is no truth behind the allegations made in the FIR. After ten years of marriage, the instant case was instituted on 15.09.2018 under Sections 498 A, 504 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. He contended that the informant went together with the petitioner on 12.12.2008 to New Zealand and returned back India on 22.08.2010 and, again on 17.09.2010, she went with the petitioner to New Zealand and after an earth quake in New Zealand, she returned back to India on 08.03.2011. Since the petitioner got job in Australia, on 11.11.2012, the informant went to Australia and finally returned back on 06.05.2013. Since then, she is residing in her *Naihar* and, after a gap of five years, she has lodged this case. The inordinate and unexplained delay itself goes to suggest that the allegations of demand of dowry and subjecting the informant to cruelty are patently false. The informant has alleged that the petitioner is impotent and has refused to get himself treated in spite of repeated request and that is the main cause of filing the instant application. He



contended that though the said allegation is not true, the same would, at best, give a cause of action for seeking a decree of divorce but, maliciously, the instant case has been instituted against the petitioner.

Learned counsel appearing for the State submitted that there is allegation in the FIR that the petitioner subjected the informant to cruelty for non-fulfillment of demand of a car and other articles. However, he conceded that there is allegation in the FIR that the petitioner is impotent and in spite of request made by the informant he refused to take treatment.

Learned counsel appearing for opposite party no. 2 submitted that the informant is ready to live together with the petitioner. She has further contended that in view of the allegations made in the FIR, the petitioner does not deserve to be granted pre-arrest bail.

Having heard learned counsel for the parties, considering the nature of allegation as also other facts and circumstances of the case, in the event of arrest or surrender before the court below, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in



Rampur P. S. Case No. 351 of 2018, subject to the conditions as
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J)

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