

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26385 of 2019

Arising Out of PS. Case No.-136 Year-2013 Thana- SURSAND District- Sitamarhi

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VIMLESH KAPAR @ BIMLESH KAPAR, son of Rajendra Kapar, Resident of village – Budhva Pokhari East Sursand, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pinki Devi, Daughter of Chandeshwar Kapar, Resident of village – Manihari, P.S.- Sitamarhi, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 14-08-2019 The petitioner apprehends his arrest in connection with Sursand P.S.Case No. 136 of 2013 registered under Sections 379, 494 and 498A/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

Allegation against the petitioner, as per complaint, is that complainant was married to the petitioner on 24.04.2013 and after one month of her marriage, petitioner demanded motorcycle from her father as dowry and due to non-fulfillment of demand, complainant was subjected to torture physically as well as mentally by the petitioner and other co-accused persons. It has further been alleged that ultimately all the accused persons ousted the complainant from her matrimonial home and snatched all her belongings.



Mr. Pushpendra Kumar Singh, learned counsel for the petitioner submits that petitioner has falsely been implicated in this case based upon a *mala fide* complaint and relying upon paragraph-9 of the application, learned counsel submits that petitioner is ready to keep the complainant/O.P.No. 2 as his wife with all care and dignity but she is not willing to live with the petitioner. Learned counsel further submits that allegation against the petitioner is general and omnibus of demand of dowry and entire family members and parents of the petitioner have been made accused in this case. Learned counsel further submits that notice was issued to O.P.No. 2 but the same has been refused, as per service report, by the father of the O.P.No. 2 saying that she has been remarried somewhere else.

After having heard learned counsel for the parties and taking into consideration the fact that allegation against the petitioner is general and omnibus and further, petitioner is willing to settle the issue and is ready to keep O.P.No. 2 as his wife and further despite service of notice, O.P.No. 2 chose not to appear before the Court, as such I am inclined to grant anticipatory bail to the petitioner. Accordingly, provisional anticipatory bail granted vide order dated 23.04.2019 to the petitioner is hereby confirmed and the bail bond furnished by



the petitioner in the court below shall be treated to be bond
furnished pursuant to this order; subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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