

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58074 of 2018

Arising Out of PS. Case No.-156 Year-2018 Thana- DESARI District- Vaishali

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1. Vijay Kumar Singh @ Vijai Kumar Singh, S/o Late Ramekbal Singh,
 2. Vibha Singh W/o Vijay Kumar Singh @ Vijay Kumar Singh, Both are R/o Vill./Mohalla- Bhikhanpura, P.S.- Sadar , District- Muzaffarpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 63829 of 2018

Arising Out of PS. Case No.-156 Year-2018 Thana- DESARI District- Vaishali

Prakash Kumar S/o Vijay Kumar Singh, Resident of Mohalla Bhikhanpura,
P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar,
2. Priynka Kumari, D/o Ashok Kumar Singh, Resident of Village and Post- Sultanpur, P.S.- Desari, District- Vaishali.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58074 of 2018)

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

(In CRIMINAL MISCELLANEOUS No. 63829 of 2018)

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 29-04-2019 Both the aforesaid applications arise out of the Desari P.S. Case No. 156 of 2018 registered under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. Therefore, both the aforesaid applications have been heard



together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Desari P.S. Case No. 156 of 2018 registered under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is that the marriage of informant Priyanka Kumari was performed with Prakash Kumar, petitioner in Criminal Miscellaneous No. 63829 of 2018 on 23.02.2017 according to Hindu customs and at time of Tilak, cash of Rs. Ten Lakhs and Cheque of Rs. Eight lakhs were given, thereafter, Rs. Three Lakhs was also transferred through Kumar Agency and ornaments were also given in Bidai, while informant was kept in her matrimonial house for one and half months, but thereafter, Bibha Singh, Vijay Kumar Singh and Prakash Kumar, mother-in-law, father in law and husband, respectively, and other relative started to make complaint that Prakash Kumar is working in ICICI Bank, but cash and other materials were not given properly in marriage and asked to give four wheeler, while informant tried to convince her husband and other in-laws, but all went in vain and she was



tortured through various modes. Later on, she returned to her Myaka in Bidai, but her valuable and ornaments were kept by her inlaws. On reaching at her Myaka, the informant narrated the incident of torture to her father and other family members. While she stayed at about six months at her Myaka, but her husband did not give any heed on it. In the month of October, 2017, her husband and other in-laws came at her Myaka and took her in Bidai, but she was again tortured. Further allegation of informant is that on the occasion of marriage of her elder brother, the father of informant came to her matrimonial house and took her in Bidai, but at that time, all the valuable ornaments were snatched by her in-laws. On 01.07.2018 her husband Prakash Kumar, father in law, Vijay Kumar Singh, maternal father in law, Amresh Singh, cousin father in law Anil Singh, maternal brother in law Pintu Singh and two others came for her Bidai, but she was not sent in Bidai due to non-fulfillment of demand of four wheeler.

Learned counsel for the petitioner submits that, in fact, due to petty matters, the father of informant Prinkya Kumar, wife of petitioner, along with other family members came at the house of petitioners and created nuisance there regarding which Vijay Kumar Singh petitioner in Criminal



Miscellaneous No. 58074 of 2018 lodged Muzaffarpur Sadar P.S. Case No. 421 of 2018 on 16.06.2018 for the offence punishable under Section 448, 341, 506, 504 and 323/34 of the Indian Penal Code against father and other family members of the informant, due to that reason, the present case was managed to lodge by parents of informant on 02.07.2018. Since, the informant used to reside at her Myaka, where she committed suicide regarding which father of informant lodged Desari P.S. Case No. 303 of 2018 on 25.10.2018 under Section 306/34 of the Indian Penal Code against the petitioners and others in which petitioners have been allowed privilege of pre-arrest bail on 20.12.2018 by the court of Addl. Sessions Judge-II-cum-Special Judge, Hajipur, Vaishali vide ABP No. 2436 of 2018.

On the other hand, learned counsel appearing on behalf of the informant submits that, in fact, due to torture of the petitioners, the informant committed suicide in her Myaka.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Judge-III-



cum-A.C.J.M. II, Vaishali at Hajipur in connection with Desari
P.S. Case No. 156 of 2018, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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