

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20311 of 2020

Arising Out of PS. Case No.-746 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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VIVEK KUMAR @ VIVEK RANJAN S/o Ranjan Kumar Resident of
Village- Madapur Chhapra, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Amrita W/o Vivek Kumar @ Vivek Ranjan, D/o Sri Mithilesh Choudhary Resident of Village- Narauli Sen, P.S.- Mushahari, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mrs. Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.



The petitioner, being the husband of the complainant, who is apprehending his arrest, has preferred the present application for grant of bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is to the effect that the complainant was married with the petitioner on 03.07.2017, but subsequently, further dowry demand of Rs. 5 lacs and a Scorpio vehicle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant by all the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The complainant earlier filed Pusa Case No. 24 of 2018 against the petitioner with accusation under Sections 341, 147, 323, 498A and 504 of the IPC and Sections 3/4 of the Dowry Prohibition Act, wherein the petitioner has been granted anticipatory bail and thereafter the present complaint petition has been filed. It is further submitted that the petitioner has also filed Matrimonial Suit No. 22 of 2018 under Section 12(1)(c)(d) of the Hindu Marriage Act, 1955 with a prayer for decree of



nullity of marriage, wherein for making payment of one time settlement amount, the matter has been fixed.

Learned APP submits that the thrust of accusation is against the petitioner, being the husband of the complainant.

Considering the fact that in the earlier case filed by the complainant, the petitioner has been granted anticipatory bail and the petitioner has also filed matrimonial suit for decree of nullity of marriage, prior to the filing of the present case, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months on surrender or arrest before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned SDJM, East Muzaffarpur in connection with Complaint Case No. 746 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within six months on



ascertaining the fact that the petitioner is on bail in the earlier case filed by the complainant and the petitioner and complainant are appearing regularly in the matrimonial suit filed by the petitioner, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, East Muzaffarpur in connection with Complaint Case No. 746 of 2018.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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