

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20746 of 2020

Arising Out of PS. Case No.-1126 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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TINKU KUMAR @ RAJMANI KUMAR SINGH Son of Ramsudhar Singh
@ Ram Sudhir Singh @ Sudhakar Singh Resident of Village - Itwa, P.S. -
Dharhara, District - Munger.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Asmita Kumari Wife of Tinku Kumar @ Rajmani Kumar Singh D/o Navin Singh, Resident of Village - Itwa, P.S. - Dharhara, District - Munger, Presently Resident of Village - Ratnapur, P.S.- Bariyarpur, District - Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2020 The court proceeding has been 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 counsel for the petitioner and Mr. J.N.
Thakur, learned counsel for the State.



The petitioner, being the husband of the complainant is apprehending his arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 323, 504 and 498A/34 of the IPC.

The prosecution case, as per the complaint filed by the complainant, Smita Kumari is to the effect that the complainant was married with the petitioner on 26.06.2019. For six months, the relationship between them was cordial, but subsequently, further dowry demand of Rs. 5 lacs was made and due to non-fulfillment of the same, the torture was inflicted upon the complainant by all the accused persons including the petitioner. Ultimately, after snatching all belongings, the complainant was driven out from her matrimonial house. It is also alleged that the petitioner has performed second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner has not performed second marriage, though statement to that effect has not been made in the petition, moreover cognizance has not been taken under Section 494 of the IPC. It is further submitted that the petitioner 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:-

“That the petitioner is ready to keep his wife with him in full of love and dignity.”

Learned counsel for the state submits that the thrust of accusation is against the petitioner being the husband of the victim.

Considering the present stand of the petitioner, as quoted above to the effect that he is ready to keep the complainant as wife with full dignity and honour, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned CJM, Munger, in connection with Complaint Case No. 1126C 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.

Let the learned Court below issue notice to the complainant and on her appearance, the petitioner will take her to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below within a period of six months in three eventualities, (I) if the matrimonial harmony gets 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, 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 CJM, Munger, in connection with Complaint Case No. 1126C 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/Ashwini

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