

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30241 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- MAHILA P.S. District- Rohtas

VIKASH KUMAR @ VIKASH TIWARY Son of Janardan Tiwary Resident of Village - Nadauan, P.S.- Dihara, at present resident of Gopalganj near Railway Station Gitaghat Ashram (Behind) Rajgali, Sasaram, P.S.- Sasaram (T), District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Ritu Tiwary Wife of Vikash Tiwary D/o Late Chandrabhan Singh, resident of 132 K.V. Power Colony, Rab Nagar, Moga, Punjab, Pin Code - 142001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Choubey, Adv.
For the State	:	Mr.Harendra Prasad, APP
For the O.P. No. 2	:	Mr. Rajni Kant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 14-02-2020 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahila P.S. Case No. 104 of 2018, registered for the offence punishable under sections 498A, 341, 323, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation made in the F.I.R., the petitioner and the informant were married about seven years back. The petitioner being a resident of Bihar and the informant was



resident of Punjab. The marriage took place on 31.01.2012. It is stated that soon after the marriage, behavior of the petitioner with the informant was not proper and she was abused and beaten up by this petitioner. Subsequently, a son was born out of the wedlock. It is further stated that demand of Rs. 5,00,000/- continued to be made and pressure was given by the petitioner and members of his family. Six year old son was also forcibly taken away from the informant by the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as alleged in the FIR are false and concocted. It is further stated that informant has already filed a suit which was numbered as Guardianship Suit No. 10 of 2018 for the custody of the child, which is still pending. It is further stated that the petitioner is ready to settle the dispute and for which the matter was referred to the Mediation Centre, Patna High Court, but in spite of best effort on the part of the petitioner, no agreement could be arrived at between the parties because of the attitude of the informant.

On the other hand, it is submitted by learned counsel for the informant that from the contents of the FIR, it would transpire that there is direct and serious allegation against this petitioner of having tortured and abused the informant. There



was continuous demand of Rs. 5,00,000/- and the six year old minor son of the informant has also been forcefully taken away by the petitioner. It is submitted that not a single farthing has been paid towards maintenance and it is not an appropriate case for grant of anticipatory bail to the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the nature of allegations as also pendency of the suit for custody of the child in the court below, this Court is inclined to enlarge the petitioner on bail and he is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Mahila P.S. Case No. 104 of 2018, subject to the condition as laid down under section 438(2) of the Cr.P.C.

Further, in view of the fact as stated here in above, in course of trial the petitioner shall remain physically present in Court on each and every date and in case of his absence on two consecutive dates, for reasons not to the satisfaction of



the Court below, the bail granted to the petitioner shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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