

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81483 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S. District- Nawada

DEEPAK KUMAR, aged about 23 years, Male, Son of Ravindra Kumar,
Resident of Chuharchak, P.O. and P.S.- Sarmera, District- Nalanda

... Petitioner

Versus

1. THE STATE OF BIHAR
2. Shimpi Kumari, Self Claimed Wife of Deepak Kumar, Daughter of Maheshwar Prasad, Resident of Village- Koiri Tola, Pakaribraiwan, P.S.- Pakaribraiwan, District- Nawada
... Opposite Parties

Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Parties : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 01-07-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks pre-arrest bail in connection with Mahila P.S. Case No. 26 of 2019 (G.R. No. 3346 of 2019), registered under Sections 494, 498A and 506/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is that Shimpi Kumari performed love marriage with the petitioner on 07.12.2018 and after that she went to her sasural at village Chuharchak, Sarmera, Nalanda, but, after two months her in-laws started demand of cash of Rs.15,00,000/- and one four wheeler. Her father refused to fulfill the demand due to his bad economic condition, then, she was being tortured through various modes.

Submission is that in fact, the petitioner has already



performed the marriage with Meena Kumari in the year 2014 and, thereafter, her identity card was also issued by the Election Commission of India, which would appear from page 10 of the supplementary affidavit. In fact, the informant is of bad nature and she had left her parental house regarding which her father, Maheshwar Prasad, had lodged Pakribarawan P.S. Case No. 114 of 2018 on 19.05.2018 under Section 366A of the Indian Penal Code regarding the kidnapping of the informant of the present case against a person having mobile no. 8178721015. In that case the statement of the informant was recorded under Section 164 of the Criminal Procedure Code on 16.11.2018, in which she had stated that she had gone to the house her mausi at Asansole and she has not been kidnapped and the case has been lodged falsely because she did not give information to her parents and she want to go with them which would appear from page 17 of the supplementary affidavit. It would also appear from order, dated 16.11.2018, passed in Spl. (P) Case No. 31 of 2018 by the Court of the Additional District Judge, I, Nawada, that her mother refused to accompany her. In fact, the present case has been lodged by the informant only to extract money from the petitioner with false allegation.

Having regard to the facts and circumstances of the



case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Mahila P.S. Case No. 26 of 2019 (G.R. No. 3346 of 2019) shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Subdivisional Judicial Magistrate, Nawada, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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