

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10411 of 2020

Arising Out of PS. Case No.-1095 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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VIVEK KUMAR GAUTAM S/o Raj Kumar Paswan Resident of Village-
Pipari, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Summy Kumari Wife of - Vivek Kumar Gautam Resident of Village- Pipari,
P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur, Bihar. At present,
Village- Baswari, P.O.- Singhwara, P.S.- Singhwara, District- Darbhanga,
Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Smriti Singh, Advocate
For the Opposite Party No. 2	:	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-02-2021 Heard Ms. Smriti Singh, learned counsel for the

petitioner, Mr. Vinay Kumar Mishra, learned counsel for the

Opposite Party No. 2 and Mr. Sucheta Yadav, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with
Complaint Case No. 1095 of 2018, corresponding to T.R. No.
3626 of 2019, registered for the offence punishable under
Section 498(A) of the Indian Penal Code and Section 4 of
Dowry Prohibition Act.

The allegation as per the Complaint Case is that the
marriage of the complainant was solemnized with the petitioner



on 19.05.2013 and after five years of the marriage, there is allegation against the petitioner and his other family members that they started demanding a sum of Rs.2,00,000/- as dowry from the complainant and her family members. It has further been alleged that due to non-fulfillment of the demand, the petitioner and other co-accused persons tortured the complainant physically as well as mentally.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case after five years of the marriage with ulterior motive. Learned counsel further submits that out of the wedlock, one child was born and a case is pending before this Court for custody of the child. Learned counsel also submits that other co-accused persons have been granted anticipatory bail by learned court below itself.

On the other hand, learned counsel for the informant and State vehemently opposed the prayer for bail and submit that the petitioner has subjected the complainant of mental as well as physical torture due to non-fulfillment of the demand of dowry and, as such, the petitioner does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties



and taking into consideration the materials on record and the fact that allegation against the petitioner is general and omnibus in nature after five years of the marriage, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga, in connection with Complaint Case No. 1095 of 2018 corresponding to T.R. No. 3626 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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