

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28148 of 2021

Arising Out of PS. Case No.-131 Year-2017 Thana- KURSAILA District- Katihar

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PRAKASH KUMAR SHARMA Son of Upendra Prasad Sharma Resident of
Jianganj, Ward No. 1, P.O. Jianganj, Police Station - Sarsi, District - Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Pinki Kumari Wife of Prakash KUMar Sharma, D/O Late Dashrath Sharma
Resident of Jianganj, Ward No. 1, P.O. Jianganj, Police Station - Sarsi,
District - Purnea at present resident of Village- Devipur, P.O. M.T. Devipur,
P.S. Kursela, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Ambastha, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 498A. 494, 504/34 of the Indian Penal Code and
Section 4 of D.P. Act.

Informant has alleged in her complaint case that
marriage between complainant and petitioner was solemnized
on 29.11.2012 and in said marriage, sufficient gifts and presents
were given by her parents to petitioner and her in-laws and from
the said wedlock, one daughter was born, however, while she
was going on motorcycle with the petitioner, she met with an
accident, as a result of which she sustained grievous injuries and

her daughter also died on the spot and subsequently she became disabled and she was ousted from her matrimonial home and sent to her parental home and also petitioner demanded Rs. 5 lacs, otherwise he will solemnize second marriage.

It has been submitted on behalf of petitioner that the allegation as alleged in the complaint case are false and concocted. After filing of present case informant resided in her matrimonial house with honour and dignity and a daughter was also born on 24.03.2018 as such allegation levelled in complaint petition filed in the year 2017 with respect to demand of dowry and torture is false and concocted. Petitioner has no criminal antecedent.

It is submitted that with consent of informant second marriage was solemnized, although same is void and not permissible but petitioner is ready to keep informant with him in a dignified manner but she is not willing to live with him and she has also filed maintenance case in the year 2020 and without any order passed by court, he is paying maintenance of Rs. 3,000/- to her.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below

within four weeks from today, shall released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar, in connection with Kursela P.S. Case No. 131 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the maintenance of Rs. 3000/- shall continue to be paid to the complainant by the petitioner till any order for maintenance is passed by the competent Court in maintenance case.

(S. Kumar, J)

Rajiv/veena-

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