

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24399 of 2020

Arising Out of PS. Case No.-404 Year-2019 Thana- ISLAMPUR District- Nalanda

SUDEEP KUMAR @ SUDIP KUMAR @ MIKKU @ MIKU S/o Sidhanath
Singh Resident of Village- Ekdanga, P.S.- Belchhi, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pinki Devi D/o Sileshwar Singh Resident of Village- Bhola Bigha, P.S.- Islampur, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madan Mohan, Mr. Rajeev Kumar, Advocates
For the Opposite Party No.2:		Mr. Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

13 30-06-2021 Heard Mr. Madan Mohan, learned counsel for the petitioner, Mr. Krishna Prasad Singh, learned senior counsel appearing for the informant/OP No.2 and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State through video conferencing.

2. Petitioner apprehends his arrest in connection with Islampur PS Case No. 404/2019 registered for the offence punishable under Section 341, 323, 504, 498(A) of the IPC and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. The allegation, as per First Information Report, is that marriage of Opposite Party No.2 was solemnized with the petitioner on 08.10.2018 according to Hindu rites and it has



further been alleged that after marriage when informant went to her matrimonial home, she was neglected by the petitioner and further petitioner along with his family members demanded Rs. 3 Lacs and one Pulsar Motorcycle as dowry.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to family dispute and petitioner has denied the factum of marriage and submitted that he has not performed marriage at any point of time with the informant. Learned counsel further submits that from perusal of the photographs produced by the informant/OP No.2 along with counter affidavit, it would be evident that the petitioner was keeping a bag on his back which is not a normal conduct of a boy at the time of marriage and if the marriage had been solemnized with the free will of the petitioner, there would have been presence of his family members in large number.

5. Learned counsel next submits that the photographs produced by the informant/OP No.2 are doctored and the marriage certificate issued by the Notary produced by OP No.2 by way of counter affidavit is also not a valid piece of document inasmuch as Notary is not authorized to issue marriage certificate under section of Special Marriage Act. Learned counsel further submits that the signature of the petitioner on the



marriage certificate issued by the Notary is fake and referring to the signature of the petitioner on *Vakalatnama*, learned counsel submits that both the signatures do not tally.

6. On the other hand, learned senior counsel for the informant/OP No.2 as well as learned APP, vehemently, opposed the prayer of the petitioner for anticipatory bail and submit that petitioner has made a lame excuse before this Court and the marriage was solemnized between the petitioner and the informant/OP No.2 as per Hindu rites and after marriage, there is a specific allegation that the petitioner started demanding dowry and due to non fulfillment of the demand, he along with his family members tortured the informant physically and mentally.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that factum of marriage has been denied by the petitioner, I am inclined to grant anticipatory bail to the petitioner.

8. Accordingly, petitioner, SUDEEP KUMAR @ SUDIP KUMAR @ MIKKU @ MIKU shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hilsa, District-Nalanda in connection with Islampur PS Case No. 404/2019, subject to the conditions as laid down under Section 438(2) CrPC.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the covid protocol like social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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