

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27894 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- VIDYAPATINAGAR District- Samastipur

PRAKASH KUMAR SINGH @ BITTU KUMAR SINGH S/o Virendra
Singh Resident of Village-Balkrishnpur, P.S.-Vidhyapati Nagar, District-
Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Kanchan Kumari D/o Arvind Singh Resident of Village-Krishnpur Vaikunth,
P.S.-Varish Nagar, District-Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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

ORAL ORDER

6 02-03-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Vidyapatinar P.S. Case No. 31 of 2020, registered under Sections 323, 341, 498-A and 504/34 of the Indian Penal Code, pending in the court of the learned A.C.J.M-III, Dalsing Sarai, Samastipur.

The accusation is that marriage of the informant/O.P. No.2 Kanchan Kumari was performed with the petitioner on 28.01.2020 according to Hindu customs at Vidyapati Nagar Dham temple, thereafter, she was taken in *Bidai* at her matrimonial house, where, after four days of the



marriage, her husband Prakash Kumar Singh (Petitioner) and in-laws started demanding cash of Rs. Five Lakhs and a motorcycle, in dowry, and ultimately, she was removed from her matrimonial house. Thereafter, her parents went at her Sasural and Panchayati was arranged, but her husband and in-laws did not pay any heed on the decision of the punches and reiterated their aforesaid demands.

Learned counsel appearing on behalf of petitioner submits that, in fact, the marriage of petitioner was performed with Laxmi Kumari on 05.05.2015 and Marriage Certificate has also been issued in this regard, which would appear from Annexure-2, but, later on, parents of the informant forcibly took the petitioner at their house and performed marriage of the petitioner with informant/O.P. No.2, while petitioner approached at Police Station, but the case was not lodged regarding his kidnapping and performing his re-marriage with the informant/O.P. No.2. Thereafter, Laxmi Kumari, wife of petitioner filed an Informatory petition before the learned Chief Judicial Magistrate, Patna on 15.02.2020.

On the other hand, learned counsel appearing on behalf of informant/O.P. No.2 submits that, in fact, at the time of marriage of the informant/O.P. No.2 neither the petitioner



nor his family members informed about marriage of the petitioner with Laxmi Kumari, as detailed in the present petition, and after performing marriage with the informant/O.P. No.2, the informant was being tortured for demand of cash and motorcycle, in dowry.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within six weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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