

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37423 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- MAHILA P.S. District- Bhojpur

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PRAKASH KUMAR Son of Late Dineshwar Prasad Resident of Mohalla -
Jawahar Tola (Nawada) Ward No. 40, P.S.- Ara Nawada, District - Bhojpur
(Ara) Presently posted in Water Resources Department, Anisabad, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi @ Pinki Kumari Wife of Prakash Kumar D/o Late Krishna Prasad, Resident of Nasriganj, Near Maner Hospital, P.S.- Maner, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-06-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Ara Mahila PS Case No. 54/2020 registered under Section 323, 494, 498(A), 504, 506/34 of the Indian Penal Code and u/s 3/4 of Dowry Prohibition Act.

The informant made allegation that she was married on 22.02.2014 with petitioner but after marriage the petitioner and other family members subjected her to all sorts of torture due to non fulfillment of demand of additional dowry. On



06.08.2017 her husband and other in-law drove her out from the house after snatching her ornaments. The informant further disclosed that when she came to know that her husband solemnized 2nd marriage with Pushpa Kumari on 07.07.2020 she along with her mother and brother went to the house of the petitioner but the petitioner assaulted the informant and others.

The learned counsel for the petitioner submits that informant has earlier lodged Maner PS Case No. 598/2017 u/s 498A and other Sections of the IPC. The petitioner is on bail. The informant also filed maintenance case being Maintenance Case No. 446/2018 u/s 125 of the Cr. P. C. which is pending before Principal Judge, Family Court, Patna. The informant is living in her Naihar but she concocted a story that she along with her mother and brother after knowing the facts that her husband solemnized second marriage went to the house of petitioner and thereafter the petitioner assaulted her. It is submitted that there is no occasion for the informant to go to the house of petitioner as the petitioner and the informant are on litigating terms and one criminal case and one case of maintenance are pending between them.

The learned counsel for the informant and the learned APP opposed the prayer for anticipatory bail.



Having considered the submissions of both sides, it appears that informant earlier lodged a criminal case u/s 498A and other Sections of the IPC in the year 2017 against her husband and she is living in her Naihar but later on, on the allegation that her husband solemnized 2nd marriage and she is alleged to have been assaulted at the hands of her husband and others when she went to their house, she filed the present case.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order shall be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhojpur, Ara in connection with Ara Mahila PS case No.54/2020, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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