

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60961 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- MAHILA P.S. District- Nalanda

VIKASH KUMAR Son of Santlal Singh Resident of Village-Phulwariya, P.S.-
Mahua, District-Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pushpa Devi Wife of Vikash Kumar Resident of Village-Phulwariya, P.S.-
Mahua, District-Vaishali at present D/o Late Sarjug Prasad Singh, R/village-
Tungi, P.S-Deepnagar, District-Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rina Sinha
For the Opposite Party/s	:	Mr.Madhura Nand Jha
For O.P. No. 2		Mr. Binod Bihari Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 30-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Nalanda Mahila P.S. Case no. 109 of 2019 instituted for the
offence under Sections 498A, 323, 504, 506 and 494 of the
Indian Penal Code.

This prosecution case relates to cruelty and
harassment to the informant by her husband, namely, Vikas



Kumar, petitioner herein and his family members due to non-fulfillment of further dowry demand by way of Rs. Five lakh. They finally ousted her from her matrimonial house after snatching her belongings.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. He is ready to keep his wife with full honour and dignity.

It is apparent from the order dated 4.3.2020, that the Superintendent of Police, was directed to make an enquiry regarding another marriage. In response, S.P. Nalanda has submitted its report on 27.10.2021 from where it reveals that petitioner has performed total three marriages. His first wife died earlier. Then petitioner performed second marriage with the present complainant. Whereas, he performed third marriage with Nidhi Devi daughter of Satish Singh of village Fatikbara, P.S. Manhar, Dist.- Vaishali who blessed with a son out of their wedlock and presently she is residing with the petitioner.

Learned APP appearing for the State as well as learned counsel appearing for the complainant have opposed the prayer for bail and have submitted that petitioner has performed third marriage with Nidhi Devi.



Having heard learned counsel for the parties and taking into consideration that petitioner is polygamy, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

sushma/-

U		T	
---	--	---	--

