

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37904 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- MEHANDIGANJ District- Patna

Vishal Kumar Son Of Sri Ganesh Sahni Resident Of Baxi Mohalla Padari Ki
Haweli, Police Station - Khajekala, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Deepak Kumar Singh, Advocate
For the Opposite Party	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 09-02-2022 The matter is being heard through video conferencing due to circumstances prevailing on account of Covid-19 pandemic.

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Mehandiganj P.S. Case No. 24 of 2020 was registered for the offences under Sections 404, 420 and 349 of the Indian Penal Code on 07.02.2020 by the informant Sushma Kumari alleging that her ring ceremony was fixed on 22.02.2018 and in that dowry of Rs.2,00,000/- was demanded but her marriage was not solemnized with the petitioner.

It has been submitted by learned counsel for the



petitioner that ring ceremony was performed on 22.02.2018 but the present case has been lodged on 07.02.2020 and the allegation that a sum of Rs.1,50,000/- on the eve of ring ceremony was paid to the accused side is false and demand of dowry of Rs.2,00,000/- by the accused side is also false. It has also been submitted by the petitioner that Complaint Case No. 1541 of 2019 under sections 420, 354, 376 and 120B of the IPC was filed by the complainant-informant.

It has further been submitted by learned counsel for the petitioner that one FIR bearing Mehandiganj P.S. Case No.35 of 2021 has been registered under Section 376 of the IPC.

Learned counsel for the informant submits that it is the petitioner who has cheated the informant and thereby sexually exploited her for which another case has been filed.

After going through the documents brought on record, it seems that the parties are at loggerheads because marriage with the informant was not solemnized after negotiation and that three cases have been filed. There are allegations and counter allegations by both the parties with regard to demand of dowry which cannot be verified at this stage during hearing of the anticipatory bail application. Moreover, it has been accepted by both the parties that both the parties have solemnized marriage



and they are leading marital life happily.

In view of the above, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within ten weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Mehandiganj P.S. Case No. 24 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sandeep Kumar, J)

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