

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12550 of 2023

Arising Out of PS. Case No.-616 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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BIPIN KUMAR @ VIPIN KUMAR S/o Rajnandan Sharma R/o Village-
Haveli, P.S.- Biharsharif, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi W/o Bipin Kumar, D/o Ganesh Jha R/o Village- Gangasagar
Chowk, Madhubani, P.S. and Distt- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hansraj, Adv.
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP.
Mr. Sanjeev Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 494, 498(A), 341,
342, 307, 313, 386, 420, 120(B), 504/34 of the Indian Penal
Code .

Petitioner, who is husband of opposite party no2., is said
to have demanded one Nano Car from her. Petitioner
solemnized second marriage with one Chiku Devi with the help
of other accused persons. On protest, they abused and assaulted
her.

It is submitted by learned counsel for the petitioner that



the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. It is further submitted that prior to this case the complainant lodged Madhubani Town P.S. Case No. 159/2013 dated 13.06.2013 instituted for the offence under Section 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry and Prohibition Act against the petitioner and his entire family members which is pending in the Court of learned S.D.J.M. Madhubani. The complainant has filed this present case and two other cases for the same cause of action is unsustainable. It is further submitted that the husband of the complainant is paying Rs. 1,200/- per month as maintenance as per order of Hon'ble High Court, Patna passed in Cr. Misc. No. 14477/2014 vide order dated 13.08.2014. Petitioner has filed M.M. (Divorce) Case No. 70 of 2017 against the complainant in the Principal Judge, Family Court, Nalanda (Biharisharif) which is presently pending in the Court of Family Court, Madhubani. Petitioner has one criminal antecedent, mentioned in Para 3 of this bail application.

In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before



the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 616 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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