

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54497 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- NAUBATPUR District- Patna

VIKASH KUMAR @ BHIM Son of Karmvir Prasad Resident of Village -
Dariyapur, P.O.- Sorangpur, P.S.- Naubatpur, District - Patna.... Petitioner
Versus

1. The State of Bihar
2. Rinki Devi Wife of Vikash Kumar @ Bhim D/o Chand Singh, Resident of
Village - Dariyapur, P.O.- Sorangpur, P.S.- Naubatpur, District - Patna,
Parentage address Resident of Village - Kewata Dariyapur, P.S.- Masaudhi,
District – Patna. ... Opposite Parties

Appearance :

For the Petitioner	:	Mr.Ashok Kumar Sinha, Adv.
For the State	:	Mr.Md. Iftekhar Mahmood, APP
For the Informant	:	Mr. Abhishek Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-02-2023 Heard Mr. Ashok Kumar Sinha, learned counsel for
the petitioner, Mr. Md. Iftekhar Mahmood, learned APP for the
State and Mr. Abhishek Raj, for the informant.

This is an application for grant of bail to the
petitioner, who is in custody in connection with Naubatpur P.S.
Case No. 74 of 2022 punishable for offences under Sections
341, 323, 498(A), 504/34 of the Indian Penal Code.
Subsequently Sections 506 and 509 of the Indian Penal Code
and 3 and 4 of the Dowry Prohibition Act were added.

The prosecution case, based upon the written
report alleging therein that the marriage of the informant was
solemnized with the petitioner on 11.07.2016. Out of the said
wed-lock one baby child was born. It is further alleged that



after one year of marriage the informant was subjected to demand of dowry of Rs.10,00,000/- and on account of non-fulfillment of the same she was tortured and assaulted by various ways. It is also alleged that the petitioner has illicit relation with his sister-in-law which is one of the reason of torture meted to the informant. The further allegation is that though the family members of the informant tried to intervene the matter, but, despite assurance given by the petitioner and the the decision of the Panchayat the petitioner did not mend his ways resulting into filing of the written complaint giving rise to the first information report.

Learned counsel appearing on behalf of the petitioner, at the outset submits that though the allegation has been levelled against the petitioner of having indulged in demand of dowry and torture. However, in a case of matrimonial dispute the petitioner is in custody since 18.03.2022 apart from the fact that trial is going on and he is giving undertaking that he will fully cooperate in the trial till its conclusion. He next submits that in fact the informant is a quarrel some lady and it is she who does not want to live with the petitioner and by making a false and concocted allegation that this petitioner has illicit relation with his sister-in-law



ruining his reputation.

On the other hand learned counsel for the informant vehemently opposed the bail application and submits that from the first information report it is evident that the petitioner is a person of immoral conduct, apart from the fact he is not taking care of his baby child and even during trial making threatening to the informant.

Regard being had to the submissions made on behalf of the parties and considering the period of custody for over a period of 11 months and the undertaking given by the petitioner that he will fully cooperate and will remain present on each and every date in trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Subdivisional Judicial Magistrate, Danapur, Patna, in connection with Naubatpur P.S. Case No. 74 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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