

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72737 of 2022

Arising Out of PS. Case No.-1837 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Vikash Kumar @ Vicky Son of Raj Kumar Prasad R/o Mohalla- Sri Krishna
Nagar, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjali Patel Wife of Vikas Kumar @ Vicky, D/o Rajbansh R/o Village-
Khutauna, Batauna, P.S.- Patahi, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the State	:	Ms. Renu Kumari, APP
For the O.P. No.2	:	Mr. Binay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Anil Kumar, learned counsel for the

petitioner, Mr. Binay Kumar, learned counsel for the O.P. No. 2

and Ms. Renu Kumari, learned APP for the State.

The petitioner apprehends his arrest in connection
with Trial No. 2337 of 2022 arising out of Complaint Case No.
1837 of 2021 registered for the offences punishable under
Sections 498A, 406, 494 and 495/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner is of torturing the
complainant and solemnization of second marriage with another
lady.

At the outset, learned counsel for the petitioner



submits that so far the allegation of second marriage is concerned, it is wholly baseless as the earlier marriage of the petitioner had already been dissolved by the order dated 05.10.2012 on the petition filed by the parties for mutual divorce. He further submits that the petitioner is still ready to keep his wife (O.P. No.2) with full honour and dignity and he undertakes that he would never indulge in any kind of torture and dispute with his wife in future.

On the other hand, learned counsel for the O.P. No.2, submits that the petitioner has been still in relationship with another lady due to which dispute arisen and if the petitioner would mend his ways, the O.P. No. 2 has no difficulty to live with the petitioner.

In view of the submissions made on behalf of the parties and considering the nature of dispute between the husband (petitioner) and the wife (O.P. No.2), 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Trial No.



2337 of 2022 arising out of Complaint Case No. 1837 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that the petitioner shall keep the O.P. No. 2 with full honour and dignity.

In case, the petitioner would found indulge in any kind of similar assault or torture upon the O.P. No.2 in future, the same shall constitute breach of condition of bail entailing cancellation of his bail bond(s), on an appropriate application filed by the complainant before the Trial Court.

(Harish Kumar, J)

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