

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46964 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Rohtas

Vikram Prasad @ Vikrama Kumar @ Vikarma Kumar Son Of Lalji Prasad @
Lalji Tatwa Village- Raghunathpur, P.S.- Brahampur, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/O- Bikram Prasad, D/O- Late Dharichhan Prasad Village-
Dihari, P.S.- Nasriganj, Distt.- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Yadav, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.
For the Opposite Party	:	Mr. Anupam Bahadur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the opposite party no. 2.

02. In the present case, the petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 42 of 2023 registered on 25.09.2023 for the alleged offences under Section 323, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the petitioner is the husband of the informant and their marriage was solemnized on 30.05.2020. The allegation against the petitioner is that he and other co-accused persons drove the informant out from her matrimonial home due to non-fulfilment of their demand of dowry. Further allegation against the petitioner is that he solemnized another marriage during the

subsistence of his first marriage with the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a daily wage labourer and it is false to say that the petitioner has married again. The petitioner has filed a case of restitution of conjugal rights vide Matrimonial Case No. 264 of 2021 before the Principal Judge, Family Court, Buxar and after registration of the said case the present false case has been lodged. The petitioner never demanded any dowry and never tortured the informant on this account. The petitioner is ready to keep his wife with dignity and is also ready and willing to pay Rs. 3000/- per month to his wife towards her maintenance.

05. Learned counsel appearing for the opposite party no. 2 as well as learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned counsel appearing for the opposite party no. 2 submits that the petitioner drove out his wife from her matrimonial home due to non-fulfilment of their demand. The learned counsel for the opposite party submits that petitioner has solemnized 2nd marriage and it is not possible for the opposite party no. 2 to stay with him.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is matrimonial dispute and there is allegation and counter allegation, let the petitioner above named, in the event of his arrest

or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M., Rohtas at Sasaram in connection with Mahila P.S. Case No. 42 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. However, as per the undertaking, the petitioner would make payment of Rs. 3,000/- per month on or before 15th day of each month till disposal of Mahila P.S. Case No. 42 of 2023.

08. It is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

(Arun Kumar Jha, J)

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