

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86640 of 2024

Arising Out of PS. Case No.-595 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Vikash Kumar S/O Sri Bhikhari Paswan R/O Village- Amratha, P.S- Karakat
(Gorari), District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari W/O Vikash Kumar R/O Village- Amratha, P.S- Karakat
(Gorari), District- Rohtas At Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

Ms. Jyoti Prasad, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

Mr. Arvind Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-01-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party
no.2 who has appeared *suo motu*.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 595 of 2023 registered under sections
498A and 406 of the Indian Penal Code and sections 3/4 of the
Dowry Prohibition Act.

3. As per the prosecution case, the petitioner was
married to the opposite party no.2 on 17.5.2019. It is stated by
the complainant that at the time of marriage various articles by



way of gift amounting to Rs. 4 lacs was given. For about three years the relationship between the parties was cordial and two issues were born out of the said wedlock. Thereafter, it is stated that the accused persons including the petitioner herein started to make a further demand of dowry by way of Rs. 3 lacs and threatened that if the demand was not met, the petitioner would be married once again. The opposite party no.2 was tortured both physically and mentally. It is stated that on 30.12.2022, at the instigation of the uncle of the petitioner, the accused persons retained all the ornaments, the opposite party no.2 was assaulted and was forced out of the house. All attempts to settle the matter cordially failed. On the police not registering the F.I.R., the instant complaint was lodged.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. Cognizance has been taken in the case under section 498A of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act. The allegations levelled in the complaint are categorically denied. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by



learned APP for the State and learned counsel for the opposite party no.2. Learned counsel for the opposite party no.2 submits that the petitioner happens to be the husband of the complainant, there is direct allegation against him and the learned trial Court has erred in not taking cognizance under section 494 of the Indian Penal Code for which the complainant proposes to move separately.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the complaint, the petitioner being the husband of the complainant and as per order of the learned trial Court, having admitted to having performed second marriage which has also not been denied in the instant petition for bail filed in this Court, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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