

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10928 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- TAJPUR District- Samastipur

Vikash Kumar S/O Late Raghunath Ray Village- Bherokhra, Ps. Tajpur, Dist.
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandlal Ray S/O Maheshwar Ray Village- Bherokhra, Ps. Tajpur, Dist.
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Singh, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the O.P. No. 2	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

9 21-02-2025 Nobody appears on behalf of the opposite party no. 2.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner apprehends arrest in connection with
Tajpur P.S. Case No. 52 of 2022 dated 06.02.2022, instituted for
the offence punishable under Sections 323, 324, 325, 498(A),
120(B), 364, 304(B), 504/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act in which Section 304
(B) has been deleted during the investigation.

4. The petitioner is the husband of Puja Kumari,
daughter of opposite party no. 2.

5. It appears from the record of this case that the
present matter was twice referred for mediation. The report of
the Mediator is on record. The Mediator has reported that the



dispute between the parties could not be settled through the process of mediation, hence, mediation failed.

6. The informant has alleged against the petitioner and his family members that they made his daughter disappeared from the matrimonial home on account of non-fulfillment of the demand of dowry. The same is preceded by allegations of torture and assault by all the in-laws.

7. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that initially the case was lodged under Section 304 (B) but later on after recovery of the daughter of the informant, Section 304 (B) was deleted during investigation. It is submitted that victim is said to have appeared before the learned Magistrate on 29.03.2023 wherein her statement under Section 164 of the Cr.P.C. was recorded. During the investigation, the police has found the case true under Section 498 A, 364/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. It is further submitted that the petitioner is ready to keep his wife with full honour and dignity but she refused to live with the petitioner. It is further submitted that petitioner has filed an informatory petition before the learned S.D.M., Samastipur on 08.07.2021 stating therein that there is



threat that his wife would be murdered by the informant's side to implicate him in a police case. It is further submitted that since the victim Puja Kumari is alive as such no case is made under Section 304 (B) of the Indian Penal Code. Lastly, it has been submitted that he has one criminal case against him, which has been filed by the wife of the informant.

8. Learned A.P.P. has opposed the prayer for bail of the petitioner.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Tajpur P.S. Case No. 52 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-Ist Class, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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