

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3528 of 2015

Arising Out of PS.Case No. -1380 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Baijnath Kumar son of Mahendra Yadav resident of village -
Hussainichak, P.S. Ballia, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi D/o Rajendra Yadav Resident of village - Kankaul, P.S.
Mufassil, District - Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 27-01-2015 Heard learned counsel for the petitioner and

learned counsel for the complainant.

The petitioner apprehends his arrest in a case registered under section 498A of the Indian Penal Code. The complainant alleged that she was married to the petitioner on 12.03.2011 and lived in her Sasural but her husband and other accused persons assaulted her and drove her out from the house in the month of June 2012.

Learned counsel for the petitioner submits that the petitioner was never married to the complainant. The petitioner was kidnapped and his marriage was forcibly



solemnized with the complainant. On the date of marriage the petitioner was hardly 16 years as his date of birth is 12.04.1995. It is further submitted that the complainant herself has stated in her complaint petition that in the month of June 2012 she was driven out of the house but the complainant filed the complaint petition on 12.02.2013, after more than six months from the alleged date of occurrence.

On the other hand learned counsel for the complainant submitted that the complainant was waiting for amicable settlement of the dispute and when no amicably settlement was arrived at the complainant filed the complaint. On perusal of the record it appears that the complaint asserted that she was married to the petitioner in the year 2011 but she was driven out from the house in the last week of June 2012. The complaint petition itself was filed after more than six months from the date of occurrence. The factum of marriage has been denied by the petitioner.

Having considered the aforesaid fact, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 1380C of 2013, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

M.Rahman/-

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