

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39450 of 2014

Arising Out of PS.Case No. -1121 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Shatrughan Sah, Son of Naresh Sah, resident of Village- Banakata, P.S.-
Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

1.State of Bihar
2. Seema Devi, wife of Shatrughan Sah, Daughter of Ramashish Sah,
resident of Village- Banakata, P.S.- Gopalpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate.
For the O.P. : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the parties.

The petitioner, facing prosecution for offence under Sections 498A and 406 of the Indian Penal Code, has come out with a defence that after the marriage of the petitioner with the complainant, Seema Devi in the year 2002, the petitioner became traceless and he had resurfaced only in the year 2013 after a space of 11 years when he could get rid of his wife by family pressure through the brother of the wife by paying a sum of Rs. 20,000/-. He has also submitted that the petitioner now no longer recognizes this marriage and, therefore, he would be entitled for privilege of grant of anticipatory bail.

The entire submissions of learned counsel for the petitioner seems to be wholly misconceived. The petitioner is a

Hindu and is governed by Hindu Marriage Act. The marriage once performed in the year 2002, it would not dissolve by way of an alleged compromise made through the brother. The marriage subsists till date and, therefore, the allegation made by the wife of the petitioner under Section 498A of the Indian Penal Code would not entitle the petitioner to be given privilege of anticipatory bail.

Let it be also noted that the court below has also taken into account while rejecting the prayer of anticipatory bail of the petitioner that he has already married again another lady and, therefore, there is also no chance of any settlement. Thus, the prosecution of the petitioner has to be taken to its logical conclusion.

In such a situation, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Mihir Kumar Jha, J)

Sujit/-

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