

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13068 of 2015

Arising Out of PS.Case No. -84 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

=====

1. Umakant Kumar Son of Nitai kumar@ Nitai Chandra kumar Resident of
Chandil, Police Station- chandil, District- Saraikela, Kharsawa(Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

2. Kunti Devi wife of Umakant Kumar , Daughter of Late Ramchandra
Prasad, resident of village- Ajimganj, Laheta, Police station- Dharahara ,
District - Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. A.Dayal(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 06-10-2015 Heard the learned counsel for the petitioner, the

learned counsel for the complainant and the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in a case under

Section 498A, 379, 323 of the Indian Penal Code and under

section 4 of the Dowry Prohibition Act.

The wife made allegation that she was married to the

petitioner in the year 2007 and she also gave birth to a child but

the petitioner subjected her to physical and mental torture due to

non-fulfillment of demand of dowry. The petitioner has got

service and that is why he does not want to keep her.

The learned counsel for the petitioner submits that

Kunti Devi, wife of the petitioner, was married to Manoj Kumar

Gupta and this fact was concealed. Even in the year 2011 Adhar Card was issued showing that the complainant is the wife of Manoj Kumar Gupta. The petitioner has also filed a petition under section 11 of the Hindu Marriage Act for declaring the marriage null and void.

On the other hand, the learned counsel for the complainant submits that the petitioner married with complainant after knowing all the facts. A compromise was also arrived at in the family court in which the petitioner agreed to keep the complainant properly with her child but thereafter the petitioner drove her out from the house.

It appears that the petitioner married the complainant in the year 2007 and lived as husband and wife for seven years and complainant also gave birth to a child but thereafter the dispute arose and the petitioner filed a case for declaring the marriage null and void but there was a compromise in the family court and the petitioner undertook to keep her wife properly but the petitioner continued to torture his wife.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--