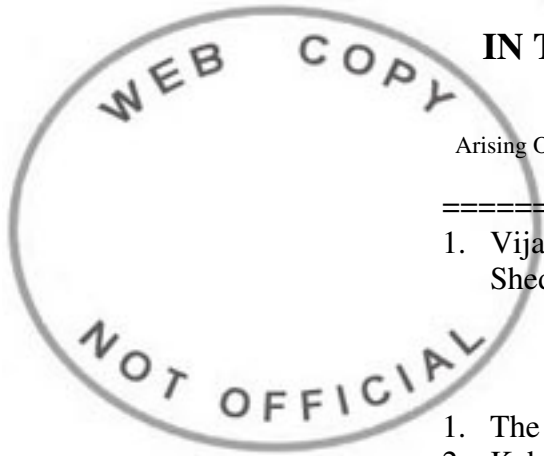




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53529 of 2015

Arising Out of PS.Case No. -576 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Vijay Singh son of Kedar Singh, resident of village- Sher, P.S.-
Shedwliya, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Kabutari Devi, W/o Vijay Singh, village- Sher, P.S.- Shedwliya,
District- Gopalganj, present address- Village Jhanjharpur, P.S.-
Jhanjharpur, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-11-2015

The petitioner is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498(A), 379, 323, 147, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner denies the marriage with the complainant. Earlier the complaint was dismissed on merits but in pursuance to the revisional order, order of cognizance

has been passed. The complainant filed Jhanjharpur P.S. Case No. 104 of 2014 levelling accusation under Sections 376, 456, 380/34 of the Indian Penal Code against Jaker @ Bauka and another, wherein she described herself as wife of Shobhe Mandal. The name of the complainant in 2015 voter list of Jhanjharpur Assembly Constituency figures at serial No. 108 wherein she has been described as wife of Shobhe Mandal. This depicts that complainant was never married with the petitioner. Hence, no offence as alleged is made out against the petitioner.

It is submitted by learned counsel for the complainant that though the complainant was married with Shobhe Mandal but she deserted him and thereafter she performed marriage with this petitioner. Though this fact has not been incorporated in the complaint petition.

Considering the fact that prima facie the marriage between the petitioner and the complainant is in dispute but since summons have been issued against the petitioner, let learned Court below consider the prayer for regular bail of the petitioner, keeping in view of the ratio laid down in the case of **Salim Ansari @ Md. Salim Ansari & Ors versus State of Bihar & Ors reported in 2015(3) BLJ(PHC-24)**, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 576 of 2011, Trial No. 2196 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Jhanjharpur. It is expected from the

learned Court below to dispose of the application preferably on the same day.

Accordingly the application is disposed of.

Shageer/-

(Dinesh Kumar Singh, J)

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