

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1797 of 2015

Arising Out of PS.Case No. -11 Year- 2014 Thana -MAHILA P.S. District- PATNA

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1. Rahul Sahay Son of Santosh Bihari Sahay, Resident of Plot No. 14
Lakshmi Nagar, Dubai Gate Road, P.S. - Bowenpally, District -
Secundrabad, Andhara Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indu Chaaya, D/o Vinay Kumar Shrivastav, Resident of Chandrawati
Bhawan, South Shivpuri, P.S. S.K. Puri, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate.
For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 30-01-2015 Heard both sides.

The petitioner apprehends his arrest in Mahila
(Sadar) P.S. Case No. 11 of 2014, registered for the offences
punishable under Section 498(A) and other Sections of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The wife alleged that she was married to the
petitioner on 08.06.2012, thereafter she narrated the entire story
that after marriage she went to place of her husband, reception was
organized thereafter the accused persons started demanding
additional money. The informant further alleged that she got burn
injury from before her marriage, but the accused persons drove her

out from the house.

Ms. Soni Srivastava, the learned counsel appearing on behalf of the petitioner submits that the petitioner is software engineer working in Tripod Pvt. Ltd. Hyderabad. The allegation of demand of dowry and torture is not made against the petitioner, not even a single word has been whispered that the husband-petitioner ever subjected his wife to any sorts of torture on account of non-fulfillment of demand of dowry. The wife has got some burn spots throughout her body and this fact was concealed on or before the marriage. The petitioner wants one time settlement for dissolution of marriage, but the wife insists to live with the petitioner.

On the other hand, learned counsel for the informant has submitted that the husband also filed a case under Sections 420 and 406 of the Indian Penal Code in Hyderabad for getting married with the informant without revealing the facts that burn spots were on all over her body. It is further submitted that the informant came to Patna and filed a petition on 14.12.2013. The case was fixed on 21.12.2013 for reconciliation and that day the husband gave undertaking to take his wife, but the undertaking was never fulfilled.

On consideration of the facts, it appears that

immediately after marriage the dispute arose between the husband and wife. From both sides allegation and counter allegation were made. The opportunity was given to the petitioner as well as the informant to search out amicable settlement of the disputes, but it appears that the same could not be arrived at. On perusal of the order of the learned Sessions Judge, it appears that the matter was sent to the mediation centre, but the husband and wife could not be able to settle the dispute amicably.

Having considered the facts that immediately after marriage the husband and wife started making allegation and counter allegation against each other, admittedly the wife has got many burn spots on her body and it is one of the reasons that the husband does not want to continue the marriage, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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