

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34725 of 2015**

Complaint Case No.. -30244 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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Varun Kumar Jha @ Barun Kumar

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4 10-12-2015

Heard learned counsels for the petitioner and the  
  
State.

The petitioner being the husband of the complainant  
is apprehending arrest in a complaint case wherein process has  
been directed to be issued after cognizance being taken for the  
offences punishable under Section 498A of the Indian Penal  
Code.

The basic accusation is of torture.

The marriage between the petitioner and the  
complainant is not in dispute.

On joint prayer of the parties, the matter was referred  
to the Mediation Centre of Bihar State Legal Services Authority.  
The report of the Mediator dated 7.12.2015 suggests that in spite  
of best and sincere efforts, the dispute between the parties could

not be resolved through the process of mediation.

The petitioner and the complainant are present before this Court.

The case of the complainant is that she was a widow and the petitioner on the pretext of marriage established physical relationship with her. When she got pregnant, the petitioner refused to perform marriage with her. Subsequently, the complainant filed Complaint Case No.149 C/2014, levelling accusation under sections 376/420/406/504/506/306 and 313 of the Indian Penal Code and, thereafter, the petitioner performed marriage with the complainant.

Learned counsel for the petitioner submits that the complainant is in the habit of filing false cases. Earlier, also she filed Complaint Case No.149-C of 2014, levelling accusation under section 376 and other sections of the IPC wherein after investigation, finding the accusation false final form was submitted. The complainant preferred Criminal Revision No.49/15 against the same which was dismissed by the learned Sessions Judge vide order dated 23.04.2015. In the background of chequered litigating relationship between the parties, the petitioner came to know from the case lodged by the complainant against the brother of her ex-husband and she is suffering from

AIDS. Hence, reconciliation is not feasible at present.

However, on instruction, learned counsel for the petitioner submits that the petitioner is ready to make payment of some monthly amount but the offer of the petitioner is not acceptable to the complainant.

Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.30244-C/14, pending before the learned Judicial Magistrate, 1st Class, Patna.

With the above observation, this application is, accordingly, disposed off.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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