

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30510 of 2014

Arising Out of P.S. Case No. -761 Year- 2011 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Bhupesh Chandra S/O Chandrika Ram Resident of Village- Abjuganj,
P.S. Sultanganj, District- Bhagalpur at present residing at Rampur Colony,
quarter No.446, C.D., P.S. Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanak Kala W/O Bhupesh Chandra, presently residing at Rampur
Colony, quarter No.446, C.D., P.S. Jamalpur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Durgesh Nandan, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 18-03-2015 Heard Mr. Ranjan Kumar Dubey, learned counsel for the
petitioner and Mr. Raj Kumar Choudhary for the complainant.

None appears for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 761(C)/2011 for the offence punishable under
Sections 498A, 323, 120B, 498B, 307, 379 of the Indian Penal
Code and ¾ of the Dowry Prohibition Act.

This Court vide order passed on 14.1.2015 while issuing
notice to the complainant had granted provisional bail to the
petitioner. Pursuant to the notice issued the complainant is before
this Court through counsel Mr. Raj Kumar Choudhary.

I have heard learned counsel for the parties and I have perused the records.

Parties are in litigating. Whereas the marriage took place in a Arya Samaj Mandir on 22.5.2011 owing to differences, the complainant returned to her parents house which led to filing of an application under Section 9 of the Hindu Marriage Act on 14.7.2011. It is thereafter that the present complaint was filed on 16.8.2011 which was followed by a maintenance case under Section 125 of the Code of Civil Procedure which was filed on 6.9.2011 giving rise to Matrimonial Case No. 78(M) of 2011.

Mr. Dubey has invited the attention of the Court to the deposition of the complainant made before the Family Court which is placed at Annexure-2 of this application and paragraphs 12 and 14 of the statement reflects that the parties never remained in matrimonial relationship. Paragraphs 17 and 25 reflects that the opposite party No.2 the complainant was not willing to live with the petitioner. It is stated at the bar that the maintenance case has resulted in an order requiring the petitioner to pay maintenance to the complainant. Though such order is put to question before the Superior Court.

Be that as it may, taking note of the circumstances governing the case as well as the fact that the Family Court is in seisin of the matters this Court is persuaded to confirm the

provisional bail granted to the petitioner on 14.1.2015 which is confirmed accordingly.

This application is allowed.

(Jyoti Saran, J)

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