

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34726 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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Anand Kumar, son of Prasidh Narayan Rai, R/O Village, Matihani, PS Matihani in the District of Begusarai.

.... Petitioner/s

Versus

1. State of Bihar
2. Rima Kumari, daughter of Braj Bhushan Choudhary R/O Kawela PS – Parbatta, in the district of Khagaria,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 22-05-2015 Heard learned counsel for the petitioner as well as learned APP for the State assisted by learned counsel for the complainant.

On an earlier occasion adjournment was granted to facilitate the spouses to come to the terms of negotiation as well as to get differences sorted out, however, it is painful that the same could not be materialized. That being so, the instant petition has been heard on merit.

As per allegation, soon after marriage of complainant, while she stayed at her Sasural was subjected to torture and cruelty for fulfilment of demand of dowry. It has also been disclosed that her husband has remarried.

It has been submitted on behalf of the petitioner that



instant prosecution happens to be malicious one in the background of the fact that complainant does not happen to be his legally wedded wife. It has further been submitted that petitioner happens to be married with one Shabnam Kumari and to support the same, Annexure-2 series has been referred, petition filed for registration of marriage, registration of marriage at the local level. It has also been submitted that at an earlier occasion, father of complainant had kidnapped the petitioner, on account of which complaint case no. 2514C/2013 has been filed.

In the aforesaid facts and circumstances of the case, it has been submitted that it happens to be a good case for grant of anticipatory bail.

On the other hand, learned APP assisted by learned counsel for complainant opposed the prayer and submitted that still so far Indian social fabric is concerned; a lady does not come forward to claim another a stranger person to be her husband.

Furthermore, after going through the Annexure-3, it is apparent that the date of marriage as shown by the complainant to be 13.11.2013 has purposely been withheld and shown to be in between 12.11.2013 to 14.11.2014. During midst thereof, petitioner has not disclosed with regard to any sort of eventualities at least that he was forcibly, under threat of life, was coerced to

perform the act of marriage with the complainant. Then in that event, presence of petitioner at the place of complainant and further having marriage solemnized on 13.11.2013 appears to be more probable and subsequent filing as well as preparation of document is nothing but to have a defence case. Furthermore, the complaint petition itself disclosed the fact that petitioner has remarried.

In the above facts of the case, I do not see it a fit case for anticipatory bail. Hence, the same stands rejected.

Further, the privilege granted in favour of petitioner vide order dated 13.04.2015 is hereby recalled.

(Aditya Kumar Trivedi, J)

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