

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18953 of 2015

Arising Out of PS.Case No. -5 Year- 2014 Thana -SAHJAHANPUR District- PATNA

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Suman Prakash Chaudhary son of Madan Mohan Chaudhary resident of Village - Maksudpur, P.S. Shahjahanpur, District - Patna, At present Post Graduate Student of National Insititute of Homeopathy, Salt Lake City, Kolkata - 64, P.S. - Vidhan Nagar South, Salt Lake City, Sector - 3, Kolkata - 64.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Deepak Kumar Singh, Advocate.

For the Opposite Party : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 28-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498(A) and other Sections of the Indian Penal Code.

The wife-informant made allegation that after her marriage on 17.05.2013, the petitioner started subjecting her to physical and mental torture due to non-fulfillment of demand of dowry. The petitioner was pressurizing the informant for a car and a flat.

Shri Deepak Kumar Singh, learned counsel for the petitioner submits that the informant made allegation of torture from the date of her marriage. The marriage of the petitioner was solemnized on concealment of facts that the informant was earlier married to someone else. The informant denied the factum of her earlier marriage and she

disclosed that she was earlier engaged, but the marriage of the informant was broken. Thereafter, she was married to the petitioner. It is further submitted that the police also did not find the case true about the torture. The petitioner is a student of Homeopathy college.

None appears on behalf of the informant however, learned APP has opposed the prayer for anticipatory bail of the petitioner.

It appears that after filing of the bail petition, the petitioner was willing to keep his wife and the petitioner and the informant were called upon for settlement of the dispute, but the petitioner refused to keep the informant stating that the informant was married earlier with someone else and this fact was concealed to the petitioner before her marriage. The petitioner has not yet filed any petition for declaring the marriage void on the ground of earlier marriage of the informant, although the marriage was performed on 17.05.2013. The informant has made very specific allegation of subjecting her to physical and mental torture due to non-fulfillment of demand of a car and a flat.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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