

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1611 of 2016

Arising Out of PS.Case No. -29 Year- 2015 Thana -ANGARGHAT District- SAMASTIPUR

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1. Vishal Kumar S/o - Sri Devendra Sah resident of Village - Supaul, P.O.
- Angarghat, P.S. - Angarghat, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Kumari W/o - Vishal Kumar, D/o - Ram Dayal Sah resident of
Village - Supaul, P.O. - Angarghat, P.S. - Angarghat, District -
Samastipur presently residing at village - Mohanpur Tara, P.S. -
Kalyanpur, District - Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai
For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-08-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 354, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner had

always been ready to keep her i.e. opposite

party no. 2 with respect and comfort.”

It is submitted by learned counsel for the informant that petitioner has performed marriage with one Khushboo Kumari daughter of Umesh Prasad Gupta, resident of Madhutol, P.S.-Khanpur, District-Samastipur.

A supplementary affidavit has been filed on behalf of the petitioner dated 14.07.2016 wherein it has been stated that petitioner never married with anyone even Khushboo Kumari. Paragraph 3 of the supplementary affidavit reads as follows:-

“That, it is further stated

that petitioner has not remarried to anyone else

not even to the named lady Khusbu Kumari”

A counter affidavit has been filed on behalf of the informant to the effect that Complaint Case No. 1291 of 2015 has been filed by the father of Khushboo Kumari namely Umesh Prasad Gupta against the petitioner and his family members with accusation under Sections 366, 366(A), 323, 342, 379, 504, 506 of the Indian Penal Code, wherein subsequently Umesh Kumar Gupta filed an application for withdrawal of the complaint petition on the ground that his daughter Khushboo Kumari of her own married with the petitioner. The complaint petition and the subsequent petition filed by Umesh Kumar Gupta have been brought on record by way of counter affidavit.

Considering the fact that petitioner has not

approached this Court with clean hand, this Court is not inclined to exercise its discretion.

The application stands dismissed in connection with Angarghat P.S. Case No. 29 of 2015, pending in the Court of learned Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur.

(Dinesh Kumar Singh, J)

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