

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1600 of 2016

Arising Out of PS.Case No. -500 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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Jeevan Prakash Soni Das

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2016

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 Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case is that the complainant was married with petitioner in the year 2014 but subsequently torture was inflicted for non-fulfillment of the dowry demand of ₹3 lakhs and lastly the complainant was driven out from the matrimonial house on 22.03.2015.

It is submitted by learned counsel for the petitioner that the complainant was kidnapped in the year 2013 leading to the registration of Banka Chandapur P.S. Case No. 80 of 2013 and subsequently in the year 2015, the complainant had got married

with one Haider. The marriage deed and Nikahnama have been brought on record as Annexure- 2(series) and the alleged second husband of the complainant has been acquitted vide judgment dated 17.03.2015 passed in S. Tr. No. 1211 of 2013 as the complainant has not supported the accusation against Haider.

It is submitted by learned counsel for the complainant that the complainant was kidnapped in the year 2013 and in 164 Cr. P.C. statement, she supported the accusation against Haider. The complainant denies the factum of second marriage.

Considering the inconsistency in the stand of the complainant with regard to her kidnapping and subsequently not deposing against alleged accused with whom it is alleged by the petitioner that she has performed second marriage, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Banka in connection with Complaint Case No. 500 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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