

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33035 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -RAGHOPUR District- SUPAUL

=====

Ajay Kumar Bhaskar @ Amit Son of Ramji Prasad Yadav, resident of Village Jagir, Police Station Raghampur, District -Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari W/o Ajay Kumar, resident of village -Dumari Post- Achalpur , P.S. -Raghampur District -Supaul.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the opposite party no. 2.

The petitioner had earlier been granted provisional bail on 10.11.2014 on the categorical stand taken on his behalf that he was ready to keep the informant/opposite party no. 2 as his wife with full dignity, honour and security provided she is ready to live as his wife. Based on the said solitary categorical stand on behalf of the petitioner, the Court was persuaded to grant him provisional bail while issuing notice to the opposite party no. 2. Pursuant to the same, the opposite

party no. 2 has appeared and taken a stand that she was unconditionally ready to go and live with the petitioner as his wife.

The Court, at that point of time, was hopeful that the matter would be resolved and that the relationship of the parties would be restored, especially keeping in mind the customs of the society and young age of the parties. However, such was belied when surprisingly the petitioner, who was present on 06.04.2016, stated that he needed time to discuss the matter with his family members. The Court, giving him indulgence, had adjourned the matter for two weeks. However, on 20.04.2016, the petitioner, who was present, resiled from the stand before the Court of keeping the opposite party no. 2 with him as his wife. As there was a change of learned counsel on behalf of the petitioner, on the request of the new learned counsel, the matter was adjourned to be listed today.

Accordingly, the case has been heard. The petitioner is also present. The stand on behalf of the petitioner is that he shall not be taking the opposite party no. 2 with him as his wife.

Learned counsel for the petitioner submits that the marriage was held at gun point and thus the allegation of demand of dowry cannot be believed and in the present case he has remained in custody for almost six months.

Learned A.P.P. and learned counsel for the opposite



party no. 2 have opposed the prayer for bail and submit that the entire story of forced marriage by the petitioner is falsified by the fact that for such an incident, no criminal case or complaint before any authority has been lodged till date. It is submitted that after marriage the petitioner and his family members became greedy and started asking for dowry and the fact that she is being refused to be taken to the matrimonial home clearly indicates that now the petitioner wants to earn by going for a second marriage where, as per the prevalent social condition, he may be able to get dowry.

Having considered the rival contentions, the Court is of the opinion that the allegation made against the petitioner cannot be said to be untrue in the background of the fact that for such a serious incident of marriage being performed after abduction and at gun point no complaint has been registered before any authority muchless the police. Further, as has been recorded earlier, the sole ground which persuaded the Court to grant provisional bail to the petitioner was that he was ready to keep the informant/opposite party no. 2 as his wife with full dignity, honour and security provided she is ready to live as his wife and the wife being ready to live with him and the petitioner going back on his stand, the Court has no hesitation to record that the provisional bail obtained by the petitioner was under misrepresentation amounting to fraud on the Court. Moreover, the

petitioner, after getting provisional bail on 10.11.2014, never filed any petition in the present case for modification of the portion of the order where such categorical stand has been recorded.

For the reasons aforesaid, the Court has no hesitation to cancel the provisional bail granted to the petitioner on 10.11.2014.

Accordingly, the petitioner, who is present in Court, is directed to surrender before the Court below latest by 16th May, 2016. The Court below shall thereafter send a report to the Court that the petitioner has surrendered and remanded to judicial custody.

The application stands dismissed.

A copy of the order be communicated to the Court below through Fax also by the Registry latest by tomorrow.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	