

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2718 of 2016

Arising Out of PS.Case No. -3335 Year- 2014 Thana -SIWAN COMPLAINT CASE District-SIWAN

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1. Jaijit Sharma Son of Gobardhan Sharma Resident of Village-Basopatti,
P.S.-Banakata, District-Dewariya (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Pushpu Devi D/o Lal Bachhan Sharma Resident of Village-Papaur,
P.S.-Pachrukhi (O.P. Sarai), District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Narsing Tanti (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-09-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but the complainant herself deserted the petitioner and thereafter the petitioner has performed second marriage.

It is submitted by learned counsel for the complainant that since petitioner has performed second marriage, hence complainant is not in a position to resume the conjugal life. However, the complainant is ready for resolving the issue in terms of payment of one time settlement amount but the offer of the petitioner is so meager that the complainant can not survive even for few months on the offered amount.

Considering the fact that the matter is being adjourned for the last eight months for allowing the parties to resolve the issue but since the petitioner is not inclined to resolve the issue, let learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 3335 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Siwan.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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