

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5190 of 2016

Arising Out of PS.Case No. -1540 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Prem Prakash Gupta, Son of Srikant Prasad @ Gobardhan Prasad,
Resident of Village- Baudh Tola Lachhnauta, P.S- Sathi, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramita Devi. W/o Prem Prakash Gupta, D/o Manager Prasad, At
present Resident of Village- Saraiya Pratap Tola, P.S.- Paharpur,
District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Sakir Ahmad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-08-2016 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 punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

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 somehow or the other the compatibility could not be developed. The petitioner made effort to resolve the issue but the complainant's side assaulted the petitioner, as a result the petitioner filed Complaint Case No. 2311 of 2015 and

consequently the petitioner filed Matrimonial Suit No. 283 of 2014 with a prayer for divorce. Hence, petitioner is not in a position to keep the complainant with him.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life. It is further submitted that false statement has been made on behalf of the petitioner that petitioner has no criminal antecedent. In fact the petitioner has been made accused in Chanpatiya P.S. Case No. 231 of 2014 registered under Sections 363, 366(A) of the Indian Penal Code wherein it was alleged that petitioner kidnapped minor daughter of the informant of the said case namely Deep Mala. The 164 Cr.P.C statement of the victim girl has been brought on record wherein she has admitted that she has married with the petitioner.

Considering the stand of the petitioner and the material suppression with regard to the marriage with some other girl, this Court is not inclined to grant bail to the petitioner.

Accordingly the application stands rejected in connection with Complaint Case No. 1540(C) of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Bettiah.

(Dinesh Kumar Singh, J)

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