

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5693 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Sheodutt Tiwary son of Late Krishna Tiwary, resident of village-
Bheriya P.S.- Kanti, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-06-2016

The office note dated 20.06.2016 reflects that
O.P. No. 2 refused to accept the notices, hence it is treated to
be a deemed valid service.

At the instance of the counsel for the
petitioner, the matter has been taken up on merits.

The petitioner being husband of the
informant is apprehending his arrest in a case registered for
the offences punishable under Sections 341, 323, 494, 498A,
406/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

The basic accusation is of torture for non-
fulfilment of dowry demand and performing second marriage.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant but since informant herself deserted the petitioner,

hence the petitioner has performed second marriage. It is further submitted that informant had illicit relationship with some other person and that was the reason she refused to accept the notice.

Since the informant has not appeared to controvert the contention of the counsel for the petitioner, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Mahila(Motihari) P.S. Case No. 45 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran.

It is expected from the learned Court below to dispose of the regular bail application of the petitioner, preferably on the same day.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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