

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9810 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -LAUKHA District- MADHUBANI

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Shailendra Mangaradita @ Shailendra Kumar Mangaradita @ Shailendra Kumar Mangardaita Son of Nathuni Mangaradita, Resident of Village - Chaturbhuj Piprahi, Police Station - Laukaha, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi D/o Shivshankar Das, Resident of village – Chaturbhuj Piprahi, P.S. Laukaha, District – Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 06-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 143, 341, 323, 379, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of the marriage with the informant. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is/was not married

with the informant and petitioner marriage is denied.

The informant has also filed Laukaha P.S.

Case No. 251 of 2014 with accusation under Sections 341, 342, 343, 323, 504, 506/34 of the Indian Penal Code and Complaint Case No. 242 of 2015 with accusation under Sections 147, 123, 120B, 420, 376, 498A, 506, 379/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, though, no order of cognizance has been passed.

On submission of learned counsel for the petitioner on subsequent instruction that the petitioner is ready to keep the informant as wife with full dignity and honour, the notices were issued to the informant vide order dated 26.02.2016.

It appears that on joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of State Legal Services Authority vide order dated 14.07.2016. The report of the Mediator at Flag 'B' dated 24.08.2016 reflects that the issue could not be resolved through the process of the mediation.

Today again it is submitted that the petitioner is again disputes the factum of marriage. However,

counsel for the informant submits that the informant claims to have married with the petitioner and is still ready to resume the conjugal life.

Considering the inconsistent stand of the petitioner, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Laukaha P.S. Case No. 62 of 2015 pending in the court of learned Judicial Magistrate, Ist Class, Jhanjharpur, District – Madhubani.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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