

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9785 of 2016

Arising Out of PS.Case No. -39 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Prashant Kumar Yadav @ Prashant Kumar son of Sri Mahesh Yadav,
Resident of village- Chhatauna, P.S.- Now Kothi, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari, daughter of Sri Umesh Yadav, Resident of village-
Dumaria, P.S. Now Kothi, District- Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-09-2016

The petitioner 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 and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner denies the factum of marriage. The petitioner was abducted on 12.06.2012 for which sanha diary entry no. 210 of 2012 was made by the uncle of the petitioner and thereafter the uncle of the petitioner filed Complaint Case No. 14080 of 2014 on 06.06.2014 levelling accusation under Sections 365, 342, 323 of the Indian Penal Code against the

family members of the complainant. It is further submitted that Matrimonial Suit No. 85 of 2014 has also been filed before Family Court, Begusarai for the annulment of marriage though specific statement to that effect has not been made in the petition. It is also submitted that since the petitioner disputes the factum of marriage, hence there is chance of issue being reconciled.

It is submitted by learned counsel for the complainant that complainant was married with the petitioner on 12.06.2012. Though sanha was lodged but complaint with accusation of kidnapping being Complaint Case No. 14080 of 2014 was filed on 06.06.2014 and thereafter Matrimonial Suit No. 85 of 2014 was filed for annulment of marriage, hence marriage is admitted by the petitioner. The complainant is ready to resume the conjugal life.

On the joint prayer of the parties, vide order dated 14.07.2016, the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag-A dated 02.09.2016 reflects that the issue could not be resolved through the process of mediation.

Considering the fact that petitioner has filed complaint case as well as matrimonial suit subsequent to the complaint filed by the complainant, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection

with Complaint Case No. 39C of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Khagaria.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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