

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14644 of 2016

Arising Out of PS.Case No. -314 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Mangal Pandit S/o Kishan Pandit Resident of Village- Karsani, Police Station -Rajoun, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarswati Devi W/o Mangal Pandit, D/o Dhanajay Pandit Resident of Village- Kamdevpur, PS Amarpur, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 13-12-2016 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 Sections 494, 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture and performing second marriage.

On submission of the counsel for the petitioner that petitioner is ready to keep the complainant as wife with full dignity and honour, the notices were issued to the complainant vide order dated 04.04.2016. The office note dated 12.07.2016 reflects that ordinary process of notice has been received by the complainant/opposite party no. 2, however



service report with regard to registered cover notice has not been received as yet. Thereafter, the matter was adjourned on 04.08.2016, 27.09.2016, and 15.11.2016 but none appeared on behalf of opposite party no. 2 in all the occasions. Even today, none have entered appearance on behalf of opposite party no. 2.

It is submitted by learned counsel for the petitioner that complainant has performed second marriage that is why she is not appearing, however, no affidavit to that effect has been filed.

In view of the above facts and the stand of the petitioner, it is a case for consideration of prayer for bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 314 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Banka. It is expected from the learned Court below to dispose of the 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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