

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45613 of 2016

Arising Out of Complaint Case No. -3954 Year- 2015 Thana -PATNA COMPLAINT CASE
District- PATNA

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Rohit Rahul Kumar son of Rohan Lal Mehta

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajani Kumari daughter of Bhola Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-10-2016 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is languishing in custody since 24.07.2016 in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Prosecution case is that the marriage of the complainant was performed with the petitioner on 31.01.2015 and thereafter Rs.8,50,000/- was transferred through the bank account of the informant to the bank account of the petitioner and Rs.16,50,000/- was paid in cash. Subsequently, the complainant

went to the matrimonial house and came to know that the petitioner was married from before. In the matrimonial house, the complainant was assaulted by the accused persons for non-fulfillment of further dowry demand.

It is submitted by learned senior counsel for the petitioner that the petitioner denies the factum of marriage. Earlier in 2011 the marriage of the petitioner was negotiated with the complainant, but the negotiation failed. Thereafter, the petitioner was married with one Sonali Priya on 16.04.2012 and the transfer of Rs.8,50,000/- to the account of the petitioner from the account of the complainant is with regard to some business transaction. It is further submitted that certain amounts have been transferred from the bank account of the petitioner to the bank account of the father of the complainant, in the year 2012 which suggests that in connection with business such transfers were made.

It is submitted by learned counsel for the complainant that though accusation of cheating was levelled in the complaint petition, but the cognizance has not been taken under section 420 of the Indian Penal Code. Prima facie it is a case of cheating and the parents of the petitioner after grant of bail gave threatening to the complainant. The transfer of eight

lacks fifty thousand from the account of complainant to the account of petitioner suggests the performance of marriage.

Considering the nature of accusation and the fact that the investigation has already concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Patna, in connection with Complaint Case No.3954-C/2015.

Let the learned Court below conclude the trial within a period of six months and it is expected that no unnecessary adjournment will be given to either side. The learned Court below will be at liberty to cancel the bail bond of the petitioner, if substantive proof comes that the petitioner has misused the privilege of bail or defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

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