

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40963 of 2015

Arising Out of Complaint Case No. -629 Year- 2014 Thana -MUNGER COMPLAINT CASE
District- MUNGER

=====

Md. Adil Raja Sabari S/o Md. Faiz Ahamad Sabari @ Kaisar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Saista Praveen W/o Aadil Raja Sabari, D/o Md. Ejaj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. H.A. Khan (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 29-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest 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 Section 3/4 of the Dowry Prohibition Act.

The complainant claims to have married with the petitioner but subsequently torture was inflicted due to non-

fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the complainant is already married from before. In fact, the petitioner was kidnapped leading to registration of Munger (Kotwali) P.S. Case No. 190/2013, by father of the petitioner, levelling accusation under sections 363 and 365 of the Indian Penal Code, hence, the petitioner disputes the factum of marriage.

Learned counsel for the complainant submits that in Munger(Kotwali) P.S. Case No.190/2013, the statement of the petitioner was recorded under section 164 Cr.P.C. wherein he has admitted that he was in love with the complainant from before. In his statement the petitioner got her age recorded as 21 years and claims to have married with the complainant on 26.06.2013. Moreover, the petitioner was never been kidnapped.

With regard to 164 Cr. P.C statement of the petitioner, it is submitted by learned counsel for the petitioner that 164 Cr.P.C. statement was recorded under coercion.

Considering the fact that the petitioner himself admitted before the learned Court below while getting his 164 Cr.P.C. statement recorded that he was in love with the complainant and has performed marriage with her of her own, let the learned Court below consider the prayer for regular bail of the petitioner, if he

surrenders within a period of six weeks in connection with Complaint Case No.629 (C) of 2014, pending before the learned CJM, Munger.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--