

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45854 of 2015

Arising Out of PS.Case No. -417 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

1. Anil Kumar S/o Late Ambika Prasad Singh Permanent Resident of Village Bheldi, P.S. Parsa, District Chapra, presently residing at Mohalla Balmichak, Town Patna, P.S. Phulwarisharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar & Anr.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 17-10-2016

Heard learned counsel 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 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant being performed on 11.05.2013, but subsequently the petitioner came to know that informant was married to one Ajay Kumar @ Munna at earlier point of time and this fact was concealed at the time of marriage



between the petitioner and the informant. During pendency of the present proceeding the petitioner filed Matrimonial Suit No. 587 of 2016, under Section 12 of the Hindu Marriage Act for declaring the marriage null and void. Though, on the joint prayer of the parties the matter was earlier adjourned for resolving the issue on payment of one time settlement amount, but it could not be resolved as the differences persisted on the quantum of one time settlement amount. The marriage registration application being brought on record by the informant which suggests that informant disclosed this fact that she is divorcee does not inspire confidence as the fact of earlier marriage has been concealed by the informant in the written report.

It is submitted by the learned counsel for the informant that though in the complaint petition, it was claimed that marriage was performed in temple, but an application for registration of marriage was filed before the Marriage Officer, Patna City on 09.05.2013, wherein the column-2 depicts the marital status of the parties which suggests that the informant has been described as divorcee and the said application bears the signature of the petitioner also. Though, it is admitted that finally the marriage was not registered in pursuance to the said application contained in Annexure-2 to the counter

affidavit. It is further submitted that at present the informant is not ready to accept one time settlement amount as she was misled by her counsel, who was earlier appearing on her behalf and is ready to resume the conjugal life. This is not in dispute that both petitioner and informant are working as Clerk-cum-Cashier in the Bihar Gramin Bank, Lakhisarai and there is no issue from the wedlock.

Considering the fact that informant has not disclosed in the written report about her earlier marriage but now earlier marriage is being admitted by the informant which led to filing of Matrimonial Suit and there is no chance of issue being reconciled at present, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 417 of 2014, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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