

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46128 of 2015

Arising Out of PS.Case No. -195 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Ram Autar Das Son of Sitaram Das, Resident of Village - Bahera, P.S. -
Bathnaha, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Radha Devi, D/o Soman Das, R/o Village - Benipur, P.S. - Aurai,
District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Lalan Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

5 26-04-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant on 20.05.2013. But subsequent to the marriage the petitioner came to know that the complainant was already married with one Santosh Kumar, hence the petitioner filed

Matrimonial Suit No. 184 of 2014 with a prayer for divorce on 05.11.2011, thereafter the present Complaint was filed on 12.02.2015. It is further submitted that now the complainant has performed third marriage, hence reconciliation is not feasible at present.

It is submitted by the learned counsel for the complainant that petitioner has also performed second marriage. Under the circumstances, the complainant is not ready to resume the conjugal rights with the petitioner.

Considering the inconsistent stand of both the parties, let the learned court below consider the prayer for regular bail of the petitioner, keeping in view that the Matrimonial Suit has been filed before the filing of the Complaint case, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case CI-195 of 2015, pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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