

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47222 of 2015

Arising Out of PS.Case No. -2133 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Amir Nawaj son of Mustak Ahmed @ Mustaque Munshi resident of
Village- Bairstachhi, P.S. Baisi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Yashmin Khatoon wife of Amir Nawaj, daughter of Md. Kashim,
resident of Village- Katar, P.S. Baliya Belon, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-04-2016 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 Section 498A of

the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioner that though the petitioner admits his marriage with

the complainant but he was forced to marry with the

complainant in the year 2012 when the petitioner was minor.

Hence, the petitioner is not ready to keep the complainant.

It is submitted by learned counsel for the

complainant that petitioner performed love marriage in the year

2012 and never raised the issue of minority or forced marriage

before any forum and for the first time this plea has been taken before this Court. The petitioner is not appearing in the maintenance proceeding being Maintenance Case No. 106 of 2014 and the complainant is ready to resume the conjugal life.

Considering the fact that marriage between the parties is not in dispute, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 2133 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Katihar.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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