

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50815 of 2015

Arising Out of PS.Case No. -135 Year- 2012 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

=====

1. Sachi Yadav @ Sachchi Yadav son of Late Nabi Yadav, Resident of
Village- Jhitkia, P.S.- Ghailadh, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sulekha Devi, W/o Sachi Yadav @ Sachchi Yadav, D/o- Shiv Nandan
Yadav, resident of village- Sahugarh, Tola Bhagwanpur, P.S. & District-
Madhepura

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

=====

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

4 03-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the daughter
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
Sections 498A, 494 of the Indian Penal Code and 4 of the
Dowry Prohibition Act

The accusation is of torture for non-fulfillment of
the dowry demand and performing second marriage of the
petitioner.

It is submitted by learned counsel for the petitioner
that petitioner admits the marriage with the daughter of the

complainant and he is ready to keep the daughter of the complainant as wife with full dignity and honour. The petitioner has filed Matrimonial Suit No. 63 of 2015 for restitution of conjugal rights. Statement to that effect has been made in para- 8 of the petition which reads as follows:-

“That, the petitioner is husband of the complainant’s daughter and since the year 1998 he was keeping his wife very well and even now he is ready to keep his wife with full dignity and however as a wife but her father with mala fide intention to get the land of her name be returned or sold is avoiding her Rukhsati. It is never believable that after 17 years of marriage complainant daughter might have been subjected to cruelty due to non fulfillment of demand of land. The petitioner has filed a Matrimonial Suit No. 63 of 2015 for restitution of conjugal rights. ”

Notices were issued to the complainant vide order dated 03.11.2015. The office notes dated 18.03.2016 reflects that ordinary process of notice has been received by the learned counsel for the opposite party no. 2 appearing before the learned court below, but till date none is appearing on her behalf. The matter was also adjourned on 28.03.2016. In view of the above, the notice issued to opposite party no. 2 is treated to be validly served.

The petitioner performed second marriage to take care of the daughter of the complainant/opposite party no. 2, who is disabled lady. The petitioner purchased five kathas of land in the name of the

daughter of the complainant, it is a case for consideration of prayer for regular bail.

The aforesaid facts constitute ground for consideration of prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 135 of 2012, pending in the court of learned Sub-Divisional Judicial Magistrate, Madhepura.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

P.K./-

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