

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31925 of 2016

Arising Out of PS.Case No. -1519 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sonu @ Chandan Kumar, son of Bashisht Saw, Resident of Mohalla-
Indira Nagar, Road No. 4, P.S- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi, Daughter of Late Bindeshawari Mahto, Present Address-
Sharifaganj, P.S- Malsalami, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh
For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-11-2016 Heard learned counsel for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed after cognizance being taken for the offences punishable under Sections 323, 504, 452 and 498(A) of the Indian Penal code.

Basic accusation is of torture and getting the pregnancy of the complainant terminated.

It is submitted by learned counsel for the petitioner that the petitioner has disputed the factum of marriage with the complainant. The Voter I.D. Card of the Complainant Rina Devi, shows that her husband name is Pawan Kumar Mahto, which is



evident from annexure -6 of the supplementary affidavit filed by the petitioner. The said Voter I.D. Card has been issued on 28.03.2001. Annexure-5, contains an affidavit, wherein, the complainant has admitted the fact that her husband is one Pawan Kumar Mahto and for the treatment of her daughter, namely, Abhilasha Kumari, she took money as loan from the petitioner. It is further submitted that the petitioner filed an Informatory Petition No. 2149 of 2014 on 09.07.2014 to the effect that the complainant took loan from the petitioner but was not returning the same and on demand of the said loan, the complainant started threatening the petitioner. The present complaint has been filed on 19.12.2013 much subsequent to filing of the informatory petition by the petitioner. It is further submitted that on the report of the complainant, the local Police Station tried to reconcile the issue but during the initial reconciliation, the Officer-In-Charge, Mahila Police Station, *prima facie*, did not find accusation of the complainant as true. However, the said report has been brought on record as part of annexure-3 series. Moreover, the factum of the earlier marriage, has not been disclosed by the informant in the complaint petition.

It is submitted by learned counsel for the complainant that after the death of her husband, the complainant started living

with the petitioner, who established physical relationship with her and subsequently performed marriage. The complainant is still ready to resume her matrimonial life with the petitioner.

Considering the rival submission of the parties and the fact that the complainant did not disclose in her complaint petition that she was earlier married to one Pawan Kumar Mahto, this application for anticipatory bail is allowed, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna City in connection with Complaint Case No. 1519 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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