

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36450 of 2016

Arising Out of PS.Case No. -1267 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

Sanjay Mahton, Son of Shankar Mahton, Resident of Village- Malkuha,
P.S.- Parihara, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi Wife of Sanjya Mahton, D/O Akhillal Singh, Resident of Village- Malkuha, P.S.- Parihara, District- Begusarai, At Present:- Chhoti Pararaha, P.S:- Pararaha, District:- Khagaria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 27-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner alleged to be husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

Learned counsel for the petitioner submits that the petitioner denies the factum of marriage. The petitioner has



brought on record the petition of Complaint Case No. 105C/2006, which suggests that the aforesaid complaint was filed by the complainant against one Ajit Kumar Singh, wherein the complainant has claimed that she has married to Ajit Kumar Singh. Hence, it is submitted that there is nothing on record to suggest that the marriage between Ajit Kumar Singh and the complainant was dissolved, hence, the complainant cannot claimed herself to be a legally wedded wife of the petitioner and accordingly, even assuming the accusation no offence under Section 498A or 494 IPC is made out against the petitioner.

Learned counsel for the complainant submits that the complainant admits her marriage with Ajit Kumar Singh in 2005 but after filing of the Complaint Case No. 105C/2006 a compromise petition was filed and thereafter they got separated. The complainant has brought on record several photographs suggesting the marriage between the petitioner and the complainant and the documents suggesting that the petitioner and complainant resided together. Counsel for the complainant fails to explain the concealment of the earlier marriage with Ajit Kumar Singh in the present complaint case and decree of the court with regard to the dissolution of marriage between the complainant and Ajit Kumar Singh.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory 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, Khagaria in connection with Complaint Case No. 1267C 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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