

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28320 of 2015

Arising Out of PS.Case No. -2970 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Amrendra Sah @ Amarendra Sah son of Nandkishore Sah Resident of
village - Rasulpur Police Station - Barharia, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vidyawati Devi wife of Amrendra Sah, Daughter of Uttim Sah Resident
of village - Rasulpur Police Station - Barharia, District - Siwan, At
present resident of village - Barka Gaon Police Station - Mirganj,
District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 12-01-2016 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 Sections 406, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant in 2008 but the petitioner was allowed to marry a different girl than a girl which was shown prior to marriage. Hence, the petitioner has filed a matrimonial suit with a prayer for divorce though subsequent to filing of the present complaint.

It is submitted by learned counsel for the complainant that the marriage was performed in 2008 and petitioner never raised any grievance after several years of marriage till complaint was filed in 2013. Hence the matrimonial suit has been filed as retaliatory measure.

Considering the fact that reconciliation does not appear to be feasible at present due to the adamant behaviour of the petitioner, 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. 2970 of 2013, pending in the Court of learned Chief Judicial Magistrate, Gopalganj.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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