

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3567 of 2016

Arising Out of PS.Case No. -1088 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

=====

Vinod Mahto S/o Rajdeo Mahto, Resident of Village - Rain Vishnu, P.S. -
Raunnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi, W/o Vinod Mahto, D/o Jai Kishun Singh, Resident of
Village - Rajkhand, P.S. - Aurai, District - Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

=====

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

ORAL ORDER

03/ 17-05-2016

Notices were issued to the complainant-

opposite party no. 2 vide order dated 22.01.2016. The office note dated 16.05.2016 suggests that ordinary process of notice has been received by the counsel of the complainant appearing before the learned court below. However, undelivered registered cover of notice has been returned with the report that incomplete address.

In view of the fact that the ordinary process of notice has been received by the counsel of the complainant appearing before the learned court below, notice issued is deemed to be validly served.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in 7 of the petition, which reads as follows:-

“That, the petitioner is husband of the complainant and he is always ready to keep the complainant as wife with full honour and dignity.”

It is further submitted that the complainant has performed second marriage with Horil Singh. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That, in fact the petitioner has committed no offence, no demand or torture was ever made. The complainant herself does not want to live with the petitioner and she has solemnized her second marriage with one Horil Singh, S/o Bala Singh, resident of Village –

Bishunpur, P.S. – Aural, District – Muzaffarpur and she is living with him and to create defence, the present complaint case has been filed against the petitioner with false and concocted story.”

The aforesaid facts constitute ground for consideration of prayer for regular bail by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1088 of 2011 pending in the court of learned Sub-divisional Judicial Magistrate (East), Muzaffarpur.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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