

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7649 of 2016

Arising Out of PS.Case No. -658 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Rahul Kumar son of Ajay Kumar, resident of Village- Kaushik Nagar,
P.O.+P.S.- Hilsa, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari wife of Rahul Kumar, resident of Village- Kaushik
Nagar, P.O.+P.S.- Hilsa, Dist- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhya Keshari Kumar, Sr. Adv
: Birendra Kumar, Adv
For the State : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-03-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned senior counsel for the petitioner that that petitioner admits his marriage with the informant in 2009 having a son aged about five years. The petitioner has not performed second marriage and he is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 10 of the petition which

reads as follows:-

“That, petitioner is always ready
to keep the O.P. No. 2 as a wife with dignity.”

It is submitted by learned counsel for the informant that petitioner has performed marriage with one Swati Kumari as he first abducted Swati Kumari, leading to lodging of Rajiv Nagar P.S. Case No. 349 of 2015 by one Anita Sinha levelling accusation under Sections 363, 365, 366, 504, 506 of the Indian Penal Code wherein petitioner and others were made accused. In the aforesaid case the petitioner was granted anticipatory bail by learned Sessions Judge, Patna vide order dated 08.12.2015 on the basis of a compromise to the effect that petitioner has performed marriage with Swati Kumari. The compromise petition filed in Rajiv Nagar P.S. Case No. 349 of 2015 has been brought on record as Annexure-4 to the counter affidavit filed on behalf of the O.P. No. 2. But all these facts have been suppressed by the petitioner and contrary to that false statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

The informant of Rajiv Nagar P.S. Case No. 349 of 2015 has entered appearance as intervener vide I.A. No. 499 of 2016, whereby the contention of the counsel for the informant has been supported.

This Court is not inclined to allow the intervention application.

Accordingly I.A. No. 499 of 2016 stands rejected.

Keeping in view of the fact that petitioner took inconsistent stand in the present case particularly in the present bail application by suppressing the material fact with regard to Rajiv Nagar P.S. Case No. 349 of 2015 and the stand taken by him in the above case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly the application stands rejected in connection with Hilsa P.S. Case No. 658 of 2015, pending in the Court of learned Sub-Judge-II, Camp Court, Hilsa, Nalanda.

(Dinesh Kumar Singh, J)

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