

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40738 of 2016

Arising Out of PS.Case No. -3954 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rohan Lal Mehta son of Late Dipan Lal Mehta resident of Rohit Chitra
Mandir, Dehri-on-sone,P.S.- Thana Chowk Dehri District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajani KUMari daughter of Bholu Singh resident of Mohalla- East
Yogipur, Alok Lane, Naya Apartment, P.S.- Patrakar Nagar, District-
Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2016

The petitioner being father of the alleged husband of the complainant is languishing in custody since 24.07.2016 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A 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 alleged that marriage of the complainant was performed with the son of the petitioner Rohit Rahul Kumar on 31.01.2015 and thereafter further demand of dowry was made. For non-fulfilment of dowry demand the torture was inflicted. Subsequently the husband of the complainant fell ill and started residing with the complainant at

her parents' house. In the meantime, the complainant came to know that her husband was married from before.

It is submitted by learned counsel for the petitioner that petitioner and father of the complainant were on the business terms and were known to each other from before. The marriage between the complainant and the petitioner's son Rohit Rahul Kumar was negotiated in 2011 but subsequently both sides decided not to perform marriage and agreement was executed between the parties which has been brought on record as Annexure-2. Thereafter the son of the petitioner performed marriage with Sonali Priya on 16.04.2012 and the application was filed for registration of marriage under Special Marriage Act. The document to the same has been brought on record as Annexure-3. The petitioner denies the factum of marriage of petitioner's son with the complainant.

It is submitted by learned counsel for the complainant that initially the marriage negotiation was done in 2011 when some money was transferred in the account of the son of the petitioner but the same was returned and thereafter the negotiation failed but subsequently in 2014, again the marriage was negotiated and subsequently the marriage was performed in 2015 but this fact was suppressed by the petitioner and his family members that his son had already got married in 2012 and thereby the petitioner cheated the complainant and her family. It is further submitted that rupees

nine lacs were transferred in 2011 in the account of the son of the petitioner at the time of first negotiation of marriage which was returned but thereafter 8.5 lacs were transferred in the account of the son of the informant in 2014. Hence, it suggests that marriage was performed in 2015.

Considering the rival submissions of the parties and in view of the fact that thrust of accusation is against the husband of the complainant, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 3954(C) of 2015.

(Dinesh Kumar Singh, J)

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