

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43545 of 2015

Arising Out of Complaint Case No.. -150 Year- 2015 Thana -SARAN COMPLAINT CASE District- SARAN

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Shahjeb Akhtar Son of Naushad Akhtar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahmmad Ali Hasan(Advocates) son of late Md. Mir Hasan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 12-04-2016 Heard learned counsels for the petitioner and the State.

The petitioner and the daughter of the informant are present.

The petitioner being the husband of the daughter of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379 and 307 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Prosecution case is that complainant's daughter was married with the petitioner on 22.11.2011 but subsequent to marriage the demand of dowry was made and on non-fulfillment of the same torture was inflicted. Subsequently, the complainant's daughter was driven out from the matrimonial house, though she

gave birth to a female child on 13.10.2013.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the daughter of the complainant and birth of female child out of the wedlock. The petitioner claims to have filed Matrimonial Suit No. 2/2015 for restitution of conjugal rights when the complainant failed to appear in the said suit then the petitioner filed Matrimonial Suit No. 163/2015 with a prayer for divorce before the Family Court, Chapra on 21.07.2015 whereas the present complaint was filed on 17.01.2015. This is not in dispute that the petitioner has performed second marriage. The petitioner is employed at Saudi Arabia. Though he is ready to keep the daughter of the complainant as wife with full dignity and honour.

Though, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority, vide order dated 14.09.2015, on joint prayer of the parties, but the report of the Mediator, kept at 'Flag-A' reflects that it could not be resolved through the process of mediation.

It is submitted by learned counsel for the complainant that since the petitioner has performed second marriage, hence, daughter of the complainant is not ready to accept the offer of the petitioner.

It appears that the matter could not be resolved in terms of permanent alimony due to dispute with regard to quantum of alimony.

Under the circumstances, let the 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.150/2015, pending before the learned CJM, Saran at Chapra.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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