

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 29974 of 2016**

Arising out of P.S. Case No. -1566 Year- 2014 Thana -  
SAHARSA COMPLAINT CASE District- SAHARSA

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Gagandeo Sharma Son of Hari Kant Sharma, Resident of  
Village- Mahinath Nagar, P.S.- Beldour, District- Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Niva Devi Daughter of Dular Chandra Sharma, Wife of  
Gagandeo Sharma, Resident of village- Lakshmipur, P.S.-  
Saur Bazar, O.P.- Patarghat, District- Saharsa.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s: Sri Aditya Narayan Singh 1, Adv.

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

ORAL ORDER

**02. 26.07.2016**

Heard learned counsel for the Petitioner and the  
State.

The Petitioner being the husband of the complainant  
is apprehending his arrest in a complaint case in which  
processes have been directed to be issued after cognizance  
being taken for the offences punishable under Sections  
498(A), 494 and 379 of the Indian Penal Code and Sections  
3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment  
of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner  
that the complainant deserted the petitioner, hence, he  
performed the second marriage. The petitioner is ready to

settle the dispute. It is further submitted that the petitioner filed Matrimonial Case No. 14 of 2015 with a prayer for divorce but she has chosen not to appear since she has performed the second marriage. During hearing of the matrimonial suit she has been noticed but she did not turn up which shows that she is not ready to live with her husband.

Considering the nature of accusation against the petitioner, it is the case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks from today in connection with Complaint Case No. 1566C of 2014 pending before the learned Sub-divisional Judicial Magistrate, Saharsa.

Accordingly, the application is disposed off.

**(Dinesh Kumar Singh, J.)**

Vikash/-

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