

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27387 of 2016

Arising Out of PS.Case No. -1061 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Dharmendra Kumar Yadav S/o Ambika Yadav Resident of Village- Siswar,
P.S.- Khizar Sarai, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Priyanka Devi D/o Nathun Yadav Vill- Goga, P.S.- Mufsil. Distt- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durga Narayan, Adv.

For the Opposite Party/s : Mr. Sri Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture and driving out the complainant from matrimonial home for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that that the petitioner denies the factum of marriage with the complainant.

The present anticipatory bail application has been filed before this Court on 30.06.2016 when this Court confronted the



learned counsel for the petitioner with the question that whether the petitioner took the stand before the learned court below that he was never been married with complainant since the impugned order does not reflect as such then adjournment was taken to file supplementary affidavit. Today supplementary affidavit has been filed to the effect that the petitioner has filed an application before the learned court below on 12.07.2016, during pendency of anticipatory bail application before this Court, that the marriage has not been solemnized between the petitioner and the complainant, statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

“That on behalf of the petitioner on dated 12.07.2016 petition filed before the learned SDJM, Gaya in Complaint Case no. 1061 of 2013 Tr. No. 1909 of 2016 in which petition very much clear that the marriage has not been solemnized between the petitioner and complainant.”

Considering the inconsistent stand of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 1061 of 2013 pending in the court of learned SDJM, Gaya.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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