

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18806 of 2016

Arising Out of PS.Case No. -984 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Md. Abujar Son of Md. Abulaish, Resident of Mohalla - Nakched Tola,
P.S. - Motihari Town, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rukhsana Khatoon, Daughter of Junaid Alam, Resident of Village -
Kawalpur, P.S. - Turkaulia, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 04-10-2016

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Sections 498A,
406, 307/34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and making assault.

It is submitted by learned counsel for the



petitioner that the complainant earlier eloped with one Gonu Rai leading to registration of Turkauliya P.S. Case No. 141 of 2014 at the behest of the father of the complainant with accusation under Sections 363 and 366A/34 of the Indian Penal Code with whom complainant performed marriage and the factum of marriage was admitted by the complainant in 164 Cr.P.C. statement recorded in Turkauliya P.S. Case No. 141 of 2014 but considering the said fact the complainant was married with the petitioner. However, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour but no such statement has been made in the petitioner.

It is submitted by learned counsel for the complainant that petitioner is taking inconsistent stand in Maintenance Case No. 150 of 2015 and has suggested that the petitioner has divorced the complainant, hence, under the Mohammedan Law the complainant as per own admission of the petitioner cannot resume conjugal life. The petitioner has given false statement in paragraph 3 of the petitioner that the petitioner has no criminal antecedent whereas petitioner is accused in two other cases.

Considering the inconsistent stand of the petitioner which does not appear that the issue can be reconciled

coupled with the false statement made in paragraph 3 of the petition, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. C-984 of 2015 pending in the court of learned Chief Judicial Magistrate, East Champaran at Motihari.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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