

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34885 of 2015

Arising Out of PS.Case No. -649 Year- 2004 Thana -COMPLAINT CASE District- SUPAUL

Ashok Mehta S/o Sh. Baijnath Mehta R/o Village - Aurahi, P.S. Gamharia,
District - Madhepura, Bihar.

.... Petitioner/s

Versus

1. State of Bihar.
2. Kriti Devi D/o Khushi Lal Mehta (Husband - Ashok Mehta) Village -
Lachmania, P.S. & Distt. - Supaul.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha

For the Opposite Party/s : Mr. M.Haque(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 16-02-2016

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 processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 379, 498A, 504/34 of the Indian Penal Code and 3/4 of
Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but submits that the petitioner filed Informatory Petition No. 325 of 2004 against the complainant and her family before learned CJM, Madhepura, father of the petitioner filed Complaint Case No. 940C of 2005 against the complainant and her family and petitioner has filed Matrimonial Suit No. 24 of 2015 with a prayer for dissolution of the marriage. It is further submitted that since the complainant has deserted the petitioner he has performed second marriage.

It is submitted by learned counsel for the complainant that the complainant has also performed second marriage and there are children from the second marriage.

Considering the present status of the petitioner and the complainant, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 649C of 2004 pending in the court of learned Sub-divisional Judicial Magistrate, Supaul. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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