

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26302 of 2016

Arising Out of PS.Case No. -306 Year- 2014 Thana -SURSAND District- SITAMARHI

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1. Dhanjeet Rai @ Bare Lal Rai S/o Harishankar Rai R/O Village
Phulwariya, P.S.- Sahiyara, District-Sitamarhi

.... Petitioner/s

Versus

1. State of Bihar
2. 2. Rinku Devi W/o Dhanjeet Rai ,A/P D/o saukhi Lal Rai R/O Village
-Phulwariya, P.S. - Sahiyara, District-Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 13-12-2016 The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 406, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture during pregnancy and dragging out the informant from the matrimonial house.

It was initially submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“The story of demand of



dowry and torture for non-fulfilment for same is completely false and baseless rather the petitioner is ready to keep his wife with full dignity and respect if she will live with petitioner otherwise the petitioner is also ready to settle the matrimonial issue by permanent alimony.”

On the basis of the aforesaid submission, the notices were issued to the informant vide order dated 27.06.2016. Thereafter, it was admitted that petitioner has performed second marriage. Hence, in that view of the matter, counsel for the informant submitted that the informant is not ready to resume the conjugal life.

Thereafter, on the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 10.11.2016. The report of the Mediator at Flag-Q dated 02.12.2016 reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that today the petitioner has not come. Hence, counsel for the petitioner has no instruction.

Considering the fact that factum of second marriage was not admitted by the petitioner initially when the petition was filed, let learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Sursand P.S. Case No.



306 of 2014, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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