

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42769 of 2015

Arising Out of PS.Case No. -1840 Year- 2008 Thana -COMPLAINT CASE District- BANKA

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Anil Poddar Son of Late Bhagirath Poddar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jhunni Devi D/o Narsingh Poddar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-01-2016 Though, the matter has been listed under the heading "For Orders (On Office Notes) due to non-filing of the affidavit with regard to jointness of opposite party no.2 with her brother as brother of opposite party no.2 has received notice on her behalf, but learned counsel for the petitioner submits that the affidavit is being filed in course of the day, hence, the matter is being taken up on merits. Let the said affidavit be kept on record.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant 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 Section 4 of the 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 complaint was filed in 2008 but non-bailable warrant has been issued in 2015 and the complainant has performed second marriage with one Boku Poddar.

Considering the fact that none is appearing on behalf of opposite party no.2 for last several months, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.1840/2008, pending before the learned SDJM, Banka.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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