

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26202 of 2016

Arising Out of PS.Case No. -147 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Avdhesh Kumar @ Abdesb Kumar Son of Bindeshwari Prasad Singh,
resident of Village- Bari Pasraha, P.S.- Pasraha, District- Khagaria, at
present resident of Mohalla- Mrufchak, P.S- Mojahidpur, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari @ Chandni Kumari wife of Awadhesh Kumar Resident of
village- Choti Fatoriya, P.S- Alamnagar, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 17-10-2016

Heard learned counsels for the petitioner
and the State.

The petitioner 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 of the Indian Penal Code and 4 of Dowry
Prohibition Act.

The basic accusation is of torture for non-
payment of the dowry demand.

It is submitted by learned senior counsel for
the petitioner that the marriage between the petitioner and the



complainant on 09.06.2010 having no issue is admitted. The petitioner preferred Matrimonial Suit No. 215 of 2011 on 23.08.2011 wherein in spite of the notices being served the complainant chose not to appear as a result the Matrimonial Suit was decreed under Section 12 of the Hindu Marriage Act vide judgment dated 23.11.2012. The complainant was aware about the pendency of the Matrimonial Suit which gets reflected from the averments made in Case No. 156 of 2012 filed by the mother of the complainant before Bihar State Woman Commission.

Learned counsel for the complainant submits that the complainant was not aware about filing of the Matrimonial Suit which has been decreed ex-parte and the same has been challenged in Misc. Appeal No. 1208 of 2016.

Considering the fact that the marriage between the petitioner and the complainant has already declared null and void by a competent court much prior to the filing of the present complaint which was filed on 27.04.2015 after about three years of passing of the decree in the Matrimonial Suit, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the

like amount each to the satisfaction of learned Sub-divisional
Judicial Magistrate, Uda-Kishunganj (Madhepura) in connection
with Complaint Case No. 147C of 2015, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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