

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1543 of 2016

Arising Out of PS.Case No. -1443 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Bhushan @ Bhushan Kumar Sah @ Bhushan Kumar @ Ram Bhushan Prasad @ Bhushan Sah son of Sri Raj Ballam Prasad, Resident of village- Dumri, P.S.- Manjhi, District- Saran at Chapra (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Kumari Daughter of Late Kartik Kumar Verma, Resident of village- Ami Karmwari Patti, P.S.- Avtar Nagar, District- Saran at Chapra (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 24-10-2016

The petitioner is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The prosecution case is that the complainant was residing with her brother at New Delhi when she developed intimacy with this petitioner and subsequently the marriage was performed in a temple on 22.05.2013 but on 23.05.2013 the petitioner deserted the complainant and subsequently on the same day i.e. on 23.05.2013 the petitioner performed marriage with one Dolly Kumari, daughter of Pawan Kumar Verma. When the family members of the complainant and native villagers enquired from the petitioner and his family

members on 24.05.2013 then accused persons abused and assaulted the complainant's side.

It is submitted by learned counsel for the petitioner that petitioner was forced to marry the complainant. The father of the petitioner filed Complaint Case No. 1439 of 2013 on 27.05.2013 levelling accusation under Sections 147, 364, 386, 506 of the Indian Penal Code which ultimately the complaint on being transferred under Section 156(3) of Cr.P.C came to be registered as Avtar Nagar P.S. Case No. 05 of 2014. Though the present complaint was also filed by the complainant on 27.05.2013. It is further submitted that the marriage was never consummated and the complainant was residing with her parents where she died on 27.11.2015.

Since the father of the complainant also died in the meantime, hence brother of the complainant was impleaded as O.P. No. 3 and notices were issued to him vide order dated 12.01.2016.

Learned counsel appearing on behalf of the brother of the complainant submits that marriage was performed in a temple as the complainant was in love with the petitioner and since petitioner deserted the complainant, hence she was in deep shock and died, though at the residence of the complainant's parents on 27.11.2015. The malicious prosecution launched by the petitioner's side is apparent from the fact that for the marriage or the accusation of kidnapping

dated 22.05.2013, the complaint was filed on 27.05.2013.

Considering the nature of accusation and the fact that factum of marriage and its consummation is in dispute, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1443 of 2013, Trial No. 2485 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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