

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23746 of 2016

Arising Out of PS.Case No. -237 Year- 2015 Thana -BANKA District- BANKA

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Jony Mukul son of Manmohan Prasad Singh resident of Village Narayanpur, P.S.- Barahat, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Kumari wife of Jony Mukul resident of Village Narayanpur, P.S.- Barahat, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

08/ 17-03-2017

Heard Mr. Ramesh Chandra Singh learned counsel for the petitioner. None appears for opposite party no. 2.

The petitioner being the husband of the informant is apprehending his arrest in a Banka (Barahat) P.S. Case No. 237 of 2015 registered for the offences punishable under Sections 498A, 341, 323 and 504/34 of the Indian Penal Code, pending in the court of learned Sub-divisional Judicial Magistrate, Banka.

The basic accusation is of torture.



From the order dated 26.05.2016 it appears that learned counsel for the petitioner submitted that the petitioner is ready to keep the informant as wife with full dignity and honour and statement to that effect has been made in paragraph 10 of the petition which reads as follows:-

“That the petitioner is the only legally wedded wife and has all love and affection for her and is ready to keep her with all love, affection and human dignity.”

Hence, the notices were issued to the informant-opposite party no. 2 and it was directed not to take any coercive step against the petitioner. The office note dated 11.01.2017 reflects that the ordinary process of notice has been served on opposite party no. 2 but till date none appears on behalf of opposite party no. 2.

It is submitted by learned counsel for the petitioner that the petitioner is also not giving any instruction to him.

The counsel for the petitioner was directed to submit a slip to that effect. Though the slip has been filed but it has been only mentioned that O.P. No. 2 is not appearing.

The matter is pending before this Court since 26.05.2016.



In view of the submission of learned counsel for the petitioner since he has no instruction on behalf of the petitioner, this application is dismissed as not pressed.

(Dinesh Kumar Singh, J)

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