

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17130 of 2017

Arising Out of PS.Case No. -1430 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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MRITYNJAY KUMAR @ MIRTUNJAY KUMAR Son of Awadhesh
Prasad Singh Resident of Village-Koel Kothi, Lane No.3, Chandmari Road,
P.S.-Kankarbagh, District-Patna. Petitioner

Versus

1. The State of Bihar
2. Sangeeta Singh, Daughter of Late Vishnu Deo Praad Singh, Resident of
Mohalla-Rani Ghat, P.S.-Sultanaganj, District-Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate with
Mr. Umashankar Sharma, Advocate

For the Opposite Parties : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 01-07-2017 The petitioner apprehends his arrest in a complaint

case under section 498A of the IPC and under sections 3 and 4

of the Dowry Prohibition Act.

It is alleged by the complainant Sangita Singh that she
was married to the petitioner on 14.9.2002. On 22.11.2015, all
the accused persons including the petitioner assaulted and
threatened her that if she wants to live in the house, she would
have to bring a sum of Rs.10 lakhs as dowry. As she expressed
her helplessness in the matter, she was ousted from her house.
She further alleged that petitioner is keeping another woman in
his house.

The petitioner disputes the factum of marriage with



the complainant and submits that the complainant who happens to be sister of own bhabhi of petitioner has lodged this false case with ulterior motive. He contends that it would appear from own averments and documents of the complainant that she is unmarried. In support of his submission that the complainant is unmarried, the petitioner refers to the following documents:

i) In para-2 of the bail petition filed by the Complainant before the Chief Judicial Magistrate, Patna (at page-31 of the brief) in connection with Pirbahore P.S. Case No.290 of 2008, she refers herself as an unmarried girl, which statement was made on oath.

ii) Again in the bail petition filed by the Complainant before the Chief Judicial Magistrate, Patna (at page-39 of the brief) in connection with Gandhi Maidan P.S. Case No.208 of 2011, dated 11.7.2011, she has not described herself as wife of the petitioner rather she described herself as daughter of Late Capt. V.P. Singh.

iii) The complainant in paragraph 34 of the plaint of Title Partition Suit No. 36 of 2013 (Annexure-5) filed by her before the Sub-Judge I, Danapur, states that she is unmarried.

iv) In paragraph 4 of the Criminal writ petition



bearing Cr.W.J.C. No.733 of 2017 filed before this Court, the complainant has stated that she is unmarried woman.

Learned counsel for the State opposes the prayer for bail

The own documents of complainant referred to by the petitioner prima facie creates some doubt whether she is a married woman much less married to the petitioner. As such, in the event of arrest/surrender, the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.5000/- with two sureties of the like amount each to the satisfaction of the CJM, Patna in Complaint case no. 1430 of 2015.

(Samarendra Pratap Singh, J)

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