

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33744 of 2016

Arising Out of PS.Case No. -1255 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sunil Sah @ Tonu S/o Shiv Narayan Sah, Resident of Mauza – Satoabti,
P.O. + P.S. – Dildarnagar, Ward No. 8, Saraila Road, District – Gajipur,
Statte – Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi D/o Surendra Sah Resident of village - + P.S. – Kochas,
District – Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 02-03-2017

Heard learned counsels for the petitioner and the
State. None appears for the complainant-opposite party no.2.

The petitioner being the husband of the
complainant 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 Section 498A of the
Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-



fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and was ready to keep the complainant as wife with full dignity and honour as gets reflected from the impugned order, but subsequently the petitioner has come to know that the complainant has performed second marriage with one Manish @ Sonu Gupta and gave birth to a female child as a result now, there is no chance of issue being reconciled. Statement to that effect has been made in paragraph nos. 7 and 8 of the petition which read as follow:-

“7. That there is no scope of restoration of conjugal life of petitioner with complainant who was taken in dark since long about her love affairs with one Manish @ Sonu Gupta S/o Gautam Gupta resident of Mohalla Ram Nagar, Firozabad, Uttar Pradesh and it is brought in the knowledge that the complainant (the wife of petitioner) had solemnized 2nd marriage without the intimation to petitioner with her aforesaid lover on 30/05/2014 from her Naihar and for save her skin she had filed this false and concocted case only with intention to harass the petitioner.

“8. That the complainant had finally leave the society of petitioner and married with her lover keeping in dark to the petitioner on 03/05/2014 and it is also came in the knowledge that she had gave birth to another female child on 11/10/2015 with new wedlock of complainant with Manish @ Sonu Gupta at Primary Health Centre, Kochas, then he obtain the paper from their, with request and filed an informatory



petition with the present circumstances vide Informatory Petition No. 106/2016 dated 05.07.2016 which may be enquired into by any special agencies for the ends of justice in the matter.”

On the abovementioned submissions of the petitioner, notices were issued to complainant-opposite party no. 2 vide order dated 09.08.2016, consequently Mr. Manoj Kumar Singh, Advocate entered appearance on behalf of complainant-opposite party no. 2 which gets reflected from the order dated 28.01.2017 and subsequently on 07.02.2017 on the request of learned counsel for the opposite party no. 2 the matter was adjourned for 02.03.2017. Today none is appearing on behalf of the complainant-opposite party no. 2.

Keeping in view of the fact that the matter is pending before this Court since 09.08.2016 and in spite of the matter being adjourned on several occasions, the counsel for the complainant-opposite party no. 2 failed to appear to controvert the contention of the petitioner that the complainant has performed second marriage, let the above named petitioner be released on anticipatory bail, in the event of his 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, Sasaram, Rohtas in connection with
Complaint Case No. 1255 of 2014 , subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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