

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47071 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Krishan Sah @ Putal Sah Son of Rajendra Sah resident of Village-
Mirdahachak, P.S.- Harnaut, District- Nalanda,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prasad Singh, Advocate

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 11-04-2017 Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 420, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant Rubi Devi claims to have married with the petitioner on 6.11.2011. After marriage the informant went to Delhi, the place of employment of the petitioner where a female child was born. Subsequently, the informant came to know that her husband is married from before with one Rinku Devi and has a daughter aged about five years. The marriage was performed with the informant by



conveying her that the petitioner's first wife is dead. Subsequently the informant was brought to the native place of the petitioner and the informant gave birth to a male child, thereafter cruelty was inflicted. Subsequently, the informant was driven out from the matrimonial house after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner and the informant were working in same factory at Delhi where they developed some intimacy but subsequently the petitioner came to know that the informant is a divorcee. Since it is not in dispute that the informant has not divorced her first husband, hence, the subsequent marriage with petitioner as claimed by the informant is void on this ground alone.

It is submitted by learned counsel for the informant that the informant performed marriage with the petitioner and she is still ready to resume the conjugal life.

Considering the rival submission of the parties, it appears that the issue is not likely to be resolved at present.

Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Mahila P.S. Case No.79/2015, pending before the learned



CJM, Nalanda.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

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