

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37537 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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Sadanand Yadav Son of BiranchiYadav Resident of Village- Salkhua, P.S. -
Salkhua, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Sadanand yadav, Daughter of Suresh Yadav
Resident of Village- Salhua, P.S. Salkhua, Dist Saharsa, at Present
Village- Murli Gram Panchayat Rasalpur O.P Banma Itahari P.S.
Salkhua, District Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 04-02-2017

Heard learned counsels for the petitioner, State
and the informant-opposite party no. 2.

The petitioner and the informant are present in
the Court.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 498A,
323, 313, 504, 506/34 of the Indian Penal Code and 3/4 of the
Dowry Prohibition Act.

The prosecution case is that the informant claims
to have married the petitioner on 11.06.2015 in a temple and she



went to her in-laws house and stayed for 18 days in her matrimonial house and thereafter accused persons started demanding Rs.Two lakhs and a motorcycle and on non-fulfillment of the same the accused persons inflicted torture. Thereafter, some reconciliation took place and the informant and the petitioner started residing at Saharsa in a rental house where she conceived but the petitioner got administered some poisonous substance to the informant as a result the pregnancy got terminated. Thereafter, the petitioner deserted the informant and on 13.02.2016 when the informant went to her in-laws house the accused persons abused, assaulted and conveyed to her that the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage. It is further submitted that the informant was earlier married with Abhinandan Yadav and the informant claiming herself as Ritu Devi filed Complaint Case No. 894 of 2013 levelling accusation of torture against Abhinandan Yadav and his family members, which has now been disposed of. It is further submitted that the informant has filed the present case describing herself as Neha Kumari whereas the informant filed Complaint Case No. 894 of 2013 describing herself as Ritu Devi , though, the father's name



and the address of both Ritu Devi and Neha Kumari is one and the same person in the present case as well as earlier complaint case and this fact that Ritu Devi and Neha Kumari is one and the same person has been admitted by the parents of the informant, namely, Suresh Yadav and Gangiya Devi while getting their statements recorded under Section 202 Cr.P.C. in Complaint Case No. 894 of 2013. The Panchayat Mukhiya has also given a certificate to that effect as contained in Annexure-3 series. It is not in dispute that the marriage between the informant and Abhinandan Yadav has not been dissolved as yet, hence, on this score also the informant cannot claim to be the wife of the petitioner nor there is any substantive proof to that effect and hence, no offences under Section 498A IPC and 3/4 of the Dowry Prohibition Act are made out against the petitioner.

It is submitted by learned counsel for the informant that the informant solemnized marriage with the petitioner in a temple on 11.06.2015, thereafter she stayed for 18 days in the matrimonial house but due to certain dispute the informant and the petitioner started residing at Saharsa in a rental house and this fact has been admitted while submissions being made in A.B.A. No. 354 of 2016 filed on behalf of the parents of the petitioner before the learned Sessions Judge, Saharsa. Certified



copy of order dated 20.05.2016 passed in A.B.A. No. 354 of 2016 has been produced. Let it be kept on record. Moreover, the petitioner and the informant swear affidavit on 11.09.2015 to the effect that they have performed marriage of their own. Photo copy of the affidavit has been produced. Let it be kept on record. However, counsel for the informant does not controvert this fact that the informant Neha Kumari and Ritu Devi are one and the same person. She has also not denies this fact that the informant was earlier married to Abhinandan Yadv and said marriage has not been dissolved as yet.

Considering the rival submissions of the parties without expressing any opinion with regard to the relationship between the petitioner and the informant, also considering the admitted fact that the informant was earlier married to Abhinandan Yadav and the said marriage has not been dissolved as yet, 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 Judicial Magistrate, Ist Class, Saharsa in connection with Saharsa Mahila P.S. Case No. 09 of 2016, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

Considering the nature of accusation, it is expected from the learned court below to conclude the trial of the present case within a period of eight months.

(Dinesh Kumar Singh, J)

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