

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18413 of 2016

Arising Out of PS.Case No. -1255 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Shashibhushan @ Bhushan @ Shashi Ranjan Son of Suresh Kumar,
Resident of Village- Purani Bazar, Maharjganj, Police Station-
Maharajganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Purnima Devi W/o Shashi Ranjan @ Bhushan daughter of Yogendra
Prasad, resident of Village- Puraina Gosai, Police Station-Chanpatiya, East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Md.Ansarul Haque (App)
For O.P. No. : Mr. Shravan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 20-02-2017 Heard learned counsel for the petitioner learned senior
counsel for the complainant and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 494/34, 498A of the Indian
Penal Code.

Basic accusation is of torture and performing second
marriage.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the complainant on



07.06.2010 having no issue. It is the complainant, who herself deserted the petitioner as she left the matrimonial house with all belongings. The complainant have some illicit relationship with one person namely Raju Kumar, hence the petitioner filed Matrimonial Suit No.90 of 2011 on 16.06.2011 with a prayer for divorce wherein the complainant appeared on 01.09.2012 and thereafter the present complaint was filed on 04.07.2014. In paragraph no.3 of the supplementary affidavit, it has been stated that the petitioner has not performed second marriage, but in the background of the past conduct of the complainant and filing of matrimonial suit at earlier point of time, the petitioner is not ready to keep the complainant.

Learned senior counsel for the complainant submits that the marriage between the petitioner and the complainant is not in dispute. The matrimonial suit was filed by the petitioner as a precautionary measure to save his skin. The complainant was being tortured and driven out from the matrimonial house after snatching her belongings as the petitioner refused to keep her.

The matter was adjourned on several occasions allowing the parties to resolve the issue, but it appears that the petitioner is offering so meager amount as monthly payment to the complainant the issue could not reconcile.



Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the present order, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.1255 C/2014, pending before the learned CJM, West Champaran, Bettiah.

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

(Dinesh Kumar Singh, J)

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