

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38829 of 2016

Arising Out of PS.Case No. -775 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Brahmanand Kumar @ Brahmanand Kumar Mahto Son of Sulan Mahto
R/o village - Ekwa, P.O. Jamunia, P.S. Sahodara, Distt. West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

2. Smt. Devi W/o Brahmanand Kumar Mahto, D/o Badri Mahto R/o
village - Ekwa, P.O. Jamunia, P.S. Sahodara, Distt. West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

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

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 08-03-2017

Heard both sides.

The petitioner apprehends his arrest in complaint case No. 775C/2014 for the offences allegedly committed by the petitioner under Section 498A of the Indian Penal Code and under Section 34 of Dowry Prohibition Act.

The complainant alleged that she was married to the petitioner in the year 2008 and she went to her Sasural but her husband and other in-laws began to demand motor cycle. Her husband and other in-laws started subjecting her to all sorts of torture due to non fulfillment of demand of dowry. Her husband wanted to solemnize second marriage with another girl and that is why he drove her out from the house and snatched her ornaments and belongings.



The learned counsel for the petitioner submits that complainant is not the legally wedded wife of the petitioner. The brother of the complainant deposed that elder brother of petitioner was married two months ago and it is not possible that elder brother remained unmarried and younger brother, the petitioner, got married with the complainant, therefore, the story of marriage is not believable. It is further submitted that petitioner never tortured the complainant.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, on the other hand, submitted that marriage was solemnized in the year 2008 itself. The complainant has got a daughter with the petitioner and thereafter the petitioner drove her out from the house after brutally assaulting her and snatching her all belongings.

Considering the facts that petitioner is husband and the complainant got a daughter from the wedlock and she was driven out from the house of petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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