

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42657 of 2016

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Gautam Rawat, Son of Late Ram Chandra Rawat, Resident of Village Mahend, P.S. Karimuddinpur, District- Ghazipur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chhaya Rawat, Daughter of Motichand Rawat, Resident of Khalasi Mohalla, P.S. Buxar (Town), District Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the State : Mr. Smt Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 07-04-2017 Heard learned counsels for the petitioner, 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 Section 498A of the Indian Penal Code.

Basic accusation is of torture for non-fulfillment of dowry demand.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage. The petitioner claims that the complainant is sister of the sister-in-law (bhabhi)



of the petitioner.

It is submitted by learned counsel for the complainant that the marriage of the petitioner was performed with the complainant on 20.01.2014 and a joint affidavit to that effect sworn by the petitioner and the complainant was notarized by the Notary Public, Gazipur on 24.06.2014, as contained in annexure-1 to the counter affidavit. It is further submitted that the complainant opened saving bank account in the Allahabad Bank of Branch Mahend, District –Ghazipur, Uttar Pradesh bearing Account No.50273525106 wherein the petitioner has put his signature in the Column of husband of the account holder, as contained in Annexure-2 to the Counter Affidavit. The sister of the informant being the sister-in-law (bhabhi) of the petitioner was subjected to assault and torture for pressurizing the complainant not to prosecute the petitioner; as a result, she filed Complaint Case No. 147C/2017, levelling accusation under section 498A of the Indian Penal Code against her husband and family members. In the complaint petition, the sister-in-law of the petitioner has also admitted the marriage of the complainant with the petitioner. The Aadhar Card of the complainant also suggests that the petitioner is her husband. Moreover, the complainant is ready to resume the conjugal life with the petitioner.



The matter is being adjourned since last six months allowing the parties to resolve the issue, but it does not appear that the issue is likely to be resolved in near future as the petitioner is adamant not to keep the complainant.

Under the circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. 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 Complaint Case No.852C/2015, pending before the learned CJM, Buxar.

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

(Dinesh Kumar Singh, J)

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