

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36152 of 2016

Arising Out of PS.Case No. -243 Year- 2016 Thana -BIHTA District- PATNA

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Sudhir Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

9 18-05-2017 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,323,307,314 and 315 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and due to assault made by the accused persons, the pregnancy of the informant got terminated.

This court, vide order dated 29.8.2016 issued notice to the informant O.P. No. 2 on submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of three children and that the petitioner



is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:

“That the petitioner is innocent and has nothing to do with the allegations in the FIR and still ready and willing to keep his wife with full dignity.”

More over, there is nothing on record to suggest that the pregnancy of the informant got terminated. Consequently, the informant appeared and expressed her willingness to resume the conjugal life.

On joint prayer of the parties, vide order dated 28.1.2017, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 17.4.2017 at Flag ‘Y’ reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the informant that out of three children, two children are residing with the petitioner while one child is residing with the informant. The informant is still ready to resume the conjugal life. It is further submitted that a false statement was made in paragraph 7 of the petition that the petitioner is ready to keep the informant as



wife. It was a design to obtain the interim order, hence, after the interim order, the petitioner is misusing the same as he is neither cooperating in mediation nor is he appearing before this Court. It is also submitted that a false statement has been made in paragraph 3 of the petition that the petitioner is not an accused in any other case except the present one, whereas the petitioner is also accused in Bihta P.S. Case No. 731 of 2014 registered under section 302 IPC.

Learned counsel for the petitioner submits that he has no instruction as the petitioner has gone incommunicado.

This court vide order dated 24.4.2017, on the joint prayer of parties, fixed the matter for today to enable the informant and the petitioner to appear with the children. The informant is present with child but the petitioner is not present.

In view of the inconsistent stand of the petitioner, who, virtually misled this court by making statement that he is ready to keep the informant as wife and obtained an interim order in his favour and is enjoying the same since 29.8.2016. and not only that, now the petitioner is neither appearing before this court nor giving any instruction to his counsel.

Keeping in view the fact that the petitioner has misused the process of court, his prayer for anticipatory bail is



hereby rejected.

The learned court below is expected to issue warrant of arrest against the petitioner or to take all measures to ensure the appearance of the petitioner and make effort to conclude the trial preferably within a period of seven months.

(Dinesh Kumar Singh, J)

Anil/-

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