

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45877 of 2016

Arising Out of PS.Case No. -1461 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Amit Kumar S/O- Gopali Ram R/O Vill- Dhanraj Tola, P.S.- Barahiya,
District- Lakhisarai, At present:- Tr. Artision, 3rd T.R.S. Memo Shed, P.S.-
Jhajha, District. Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Satya Rani D/O Fakira Chaudhary C/O Sri Krishna Singh R/O Mohalla-
West Lohanipur, P.S.- Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Md. Ansarul Haque

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

9 21-07-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner is apprehending arrest in a complaint
case, wherein, process has been directed to be issued after
cognizance being taken for the offence punishable under section
498A of the IPC.

The petitioner and the complainant are present in
person.

The prosecution case got initiated with filing of the
Complaint Case No. 1461C of 2015, by the complainant-O.P.
No.2, Satya Rani. The complainant alleged that she runs a music



institute namely, Puja Sangeet Mahavidyalaya at Nawal Kishore Road, Kadamkuan, Patna. One day, the petitioner came to the institute on 1.10.2006 and expressed his desire to learn music. The complainant admitted him in the institute on deposit of the required fee. Subsequently, the petitioner developed intimacy with the complainant. She, being a divorcee, decided to marry the petitioner and ultimately, both got married on 14.2.2011. The family members of the petitioner including his parents were very happy with the marriage, but, the father of the petitioner died due to cardiac arrest on 13.6.2012. Consequently, petitioner got appointed in Railways on compassionate ground and thereafter, the petitioner started inflicting torture on the complainant. Initially, the complainant filed an informatory petition no. 479M of 2015 in the Court of the learned C.J.M, Patna making accusation against the petitioner, but, ultimately, the Complaint Case No. 1461C of 2015 was filed on 10.4.2015 wherein, after examination of the complainant on solemn affirmation and statements of the enquiry witnesses being recorded, process was directed to be issued after cognizance being taken.

Learned counsel for the petitioner submits that the petitioner denies the factum of marriage. There is no proof with regard to the marriage except certain photographs, though counter



affidavit has been filed in the present proceeding on behalf of the complainant but that the said affidavit also does not contain any documentary proof with regard to the marriage, hence, there is no question of keeping the complainant as wife.

Learned counsel for the complainant submits that the petitioner developed intimacy after taking admission in the music institute of the complainant and thereafter, the marriage was performed. The photographs of the marriage were filed along with the complaint petition to prove the performance of marriage. After death of the father of the petitioner, he got appointed in Railways on compassionate ground and thereafter, he started behaving as changed person as leading to inflicting of torture in order to extort money as dowry, from the complainant. Though the complainant initially filed informatory petition but ultimately when the issue could not be resolved, the complainant filed the present complaint petition. The learned Magistrate, after finding, prima facie case, took cognizance under section 498A of the IPC, hence, now, the petitioner cannot dispute the factum of marriage.

Considering the rival submissions of the parties, though the learned Magistrate has taken cognizance under section 498A of the IPC after finding prima facie case, but keeping in view of



the fact that the factum of marriage has been in dispute, which cannot be decided in the present proceeding, let the petitioner above named, be released on bail in the event of arrest or surrender within a period of twelve weeks on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of J.M. Ist Class, Patna in connection with Complaint Case No. 1461 C of 2015, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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