

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30341 of 2016

Arising Out of PS.Case No. -1201 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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Babloo Kumar @ Babloo Bind Son of Late Bihari Bind Resident of
village-Karamichak, P.S.-Bhabua District-Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. Shankar Bind son of Ramoo Bind Resident of village-Daridih, P.S.-
Bhabua, District-Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

8 10-04-2017 Though Mr. Vinod Seth, learned counsel has filed

Vakalatnama on behalf of opposite party nos. 2 and 3 but none

appears on their behalf.

On 16.03.2017 also, on the same ground, the matter

was adjourned for today i.e., 10.04.2017 as a last indulgence, but

today also none appears on behalf of the opposite party nos. 2 and

3.

Heard learned counsel for the petitioner.

Petitioner being husband of the daughter of the

complainant is apprehending his arrest in a complaint case

wherein process has been directed to be issued after cognizance



being taken for the offences punishable under Sections 498A/307/34 of the I.P.C and $\frac{3}{4}$ of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that marriage of the petitioner was not legally performed with Mandu Devi, Opposite Party no. 2 as the petitioner was minor at the relevant time. In spite of the fact that the marriage was not legally performed the petitioner is ready to settle the issue. A statement to that effect has been made in Para 12 of the petition which reads as follows:-

“3 that it is relevant that the petitioner is ready to settle the dispute between the parties before this Hon’ble Court and the petitioner wants to resolve the disputed issue but complainant side ignore the settlement due to only for the grab the money.”

It has further been submitted that the petitioner had filed a Complaint Case bearing no. 1197C of 2014 against the opposite party nos. 2 and 3 and other family members levelling accusation under Sections 420,380,120B of the IPC and on the same day the present complaint was filed. It is also submitted that the marriage, as alleged, has never been performed.

Learned counsel for the State submits that from the complaint petition filed by the petitioner as contained in Annexure



2, *prima facie*, it appears that the petitioner performed marriage with the opposite party no. 3.

Considering the factum of marriage in dispute the opposite party nos. 2 and 3 being the complainant and his daughter who chose not to appear before this Court since last several occasions, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 1201 of 2014 Tr. No. 2488 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Prakash/-

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