

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33412 of 2016

Arising Out of PS.Case No. -632 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Md. Guddu @ Md. Ujale S/o Alam Resident of Village-
Mahesankharagpur, P.S.- Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mehnaj Khatoon W/o Md. Guddu, D/o Md. Jafir Resident of Village-
Mahesan kharagpur, P.S.- Runnisaidpur, District- Sitamarhi. At present
residing on Mahuara, P.s.- Aurai, Dist- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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

05/ 02-02-2017

None appears for the petitioner. However, the
complainant along with her counsel is present.

It appears that the matter is being adjourned
since last several months but the petitioner never appeared.

The petitioner being the husband of the
complainant is apprehending his arrest in Complaint Case No. 632
of 2013 wherein process has been directed to be issued after
cognizance being taken for the offences punishable under Sections
494, 498A/34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act, pending in the court of learned Sub-divisional
Judicial Magistrate (East), Muzaffarpur.



The basic accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

Notices were issued to the complainant vide order dated 09.08.2016.

On submission of the petitioner admitting the marriage and the statement in paragraph 8 of the petition that he is ready to keep the complainant as wife with full dignity and honour, which reads as follows:-

“That the petitioner is husband and is ready to keep his wife with full honor or dignity and is ready to perform all duty of husband.”

The petitioner and complainant were directed to appear before this Court on 24th of November, 2016 but one pretext or the other the petitioner chose not to appear. However, complainant appeared several times. Statement has been made in paragraph 7 of the petition that the petitioner has performed second marriage with the consent of the complainant since she could not give birth to a male child, which reads as follows:-

“That the fact is that the petitioner has married a second wife with the consent of his first wife i.e. complainant when she did not gave birth of male child.”

It is submitted by learned counsel for the



complainant that in a maintenance proceeding the petitioner was directed to make payment of maintenance awarded, though the petitioner is not aware about the quantum of the maintenance. The petitioner is neither appearing in the present proceeding nor in maintenance proceeding nor making payment of maintenance amount, hence, Misc. Case No. 23 of 2015 has been filed before the learned court below which is pending.

Considering the nature of accusation and the fact that the petitioner is neither appearing before the learned court below nor before this Court, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Dinesh Kumar Singh, J)

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