

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13888 of 2017

Arising Out of PS.Case No. -1229 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Kundan Chouhan, son of Dasrath Chouhan, resident of village-Samahuta
Tola. P.S.- Dhansoi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Fulmati Devi, d/o Motilal Chouhan, w/o Kundan Chouhan, resident of
village+post- Jamauli, P.S.-Rajpur, District-Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP
Mr. Bacchan Jee Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-04-2017

Heard learned counsel for the Petitioner and the
State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.1229-C of 2015 instituted for the offence under
Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act pending in the Court of the Chief Judicial
Magistrate, Buxar.

Petitioner is husband of the informant. There is
allegation against the petitioner of committing physical and
mental torture with Opposite Party No.2 and ousting her from the
house.

Both petitioner and the Opposite Party No.2 were
directed to appear personally but none has appeared today.

It has been submitted on behalf of the petitioner that



once compromise has been entered into between the parties on 17.06.2015 (Annexure-2) and rupees twenty thousand was given to the informant in presence of *Panches*. Counsel for the petitioner further submits that in terms of the compromise dated 17.06.2015, now, the petitioner is not ready to keep the wife.

Counsel for the Opposite Party No.2 has submitted that this Annexure-2 is not a substantive proof that marriage has been dissolved. It has further been submitted that the petitioner has already performed another marriage and does not want to keep the wife.

This Court finds that Annexure-2 is not a substantive proof that marriage between the parties has been dissolved. It is duty of the husband to maintain the wife, but petitioner is not ready to keep the wife.

In view of such, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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