

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7026 of 2016

Arising Out of PS.Case No. -743 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Ranjeet Paswan Son of Singeshwar Paswan, Resident of Village -
Gawaspur, Police Station - Tharthari, District - Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munni Devi, Wife of Ranjeet Paswan, Daughter of Mahendra Paswan,
At present resident of Udaypur, Police Station - Ekangarsarai, District -
Nalanda at Biharhsarif.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv

For the Opposite Party/s : Mr. H.A.Khan (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-11-2018 Sri Krishna Kumar Yadav, learned counsel has

appeared and submitted that petitioner has not surrendered before
the learned lower court on account thereof, he is unable to file
order dated 07.04.2014. It has also been submitted that conducting
counsel is suffering from ailment, hence order be passed after
going through the petition.

2. Heard learned APP.

3. Petitioner is the husband of the complainant. On
account of marital discord whereunder, there happens to be
allegation of torture and cruelty and further, after examining the
complainant on SA as well as two witnesses, the learned lower
court had summoned the petitioner including others vide order
dated 28.01.2013 to face trial under Section 323, 498A IPC.



4. From the record, it is evident that a petition under Section 9 of the Hindu Marriage Act has been filed in the year 2015, that means to say, after a gap of three years from filing of instant complaint petition in the year 2012. That may be a ground during course of trial but for the present, the same could not be considered in the background of the fact that nothing has been adduced in order to suggest what kind of order has been passed in the aforesaid petition under Section 9 of the Hindu Marriage Act.

5. Consequent thereupon, the instant petition sans merit and is, accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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