

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36593 of 2018

Arising Out of PS.Case No. -357 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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Anil Kumar Paswan, son of Shri Ashok Paswan, resident of Village- Chhoti Keshopur (Badaldas Thakurbari), P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shalini Devi @ Shalini, W/o Anil Kumar Paswan, resident of Village- Chhoti Keshopur (Badaldas Thakurbari), P.S.- Jamalpur, District- Munger, At present Mokama Ghat, near High School, P.S. Mokama, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Malay Kumar Choudhary, Advocate Mr. Nilesh Kumar, Advocate
For the State	:	Mr. J.N. Thakur, APP
For O.P. No.	:	Mr. Ashok Kumar Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 11-10-2018

Heard learned counsel for the petitioner, the

State and the complainant-opposite party no. 2.

The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The prosecution case got initiated with the filing of Complaint Case No. 357 of 2017 by Shalini Devi,



opposite party no. 2 on 14.06.2017 before the learned SDJM, Barh alleging therein that the complainant's marriage was performed with the petitioner on 14.12.2015. Subsequent to the marriage Rs.2,00,000/- as further dowry was demanded and due to the non-fulfillment of the same, the torture was inflicted upon the complainant by the husband and other in-laws family members. Subsequently, the complainant came to know that the petitioner has illicit relationship with one Sharda Kumari and on 20.05.2017 the complainant found the petitioner and Sharda Kumari in objectionable condition and made protest, upon which, she was being assaulted. It is further submitted that on 08.06.2017 the complainant was brutally assaulted and she was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant but subsequent to the marriage, some differences cropped up in between the petitioner and the complainant hence, the petitioner filed Matrimonial Suit No. 89 of 2016 in the Court of learned Principal Judge, Family Court, Munger with a prayer for dissolution of marriage for passing a decree of divorce on 20.04.2016 and subsequent thereto on 14.06.2017, the present complaint was filed by the complainant-opposite party no. 2. It is



further submitted by learned counsel for the petitioner that the petitioner is not ready to keep the complainant as wife since he has apprehension that the complainant has performed second marriage.

The complainant, who is present in Court, denies the factum of second marriage and expresses her willingness to resume the conjugal life with the petitioner.

It is submitted by learned counsel for the complainant that the marriage was performed on 14.12.2015, whereas the matrimonial suit was filed on 20.04.2016 within five months of the marriage, which is absolutely not maintainable. The petitioner has illicit relationship with one Sharda Kumari and he wants to cohabit with her and this is the reason he is not ready to keep the complainant. Hence, he does not deserve any sympathetic consideration.

Having heard the learned counsels for the parties, it appears that vide order dated 02.07.2018, this Court issued notice to complainant-opposite party no. 2 and granted interim protection to the petitioner allowing the petitioner and complainant to appear before this Court on 11th of September, 2018. The matter was adjourned on 11.09.2018 on the prayer made by learned counsel for the complainant-opposite party no. 2.



However, the matter was again adjourned on 01.10.2018 on the prayer of the petitioner. Today the petitioner is not present.

Since the marriage between the petitioner and the complainant is admitted, the matrimonial suit for divorce was filed within five months of the marriage, the complainant is ready to resume the conjugal life and there is no apparent reason on record for the petitioner not to keep the complainant as wife, hence, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Complaint Case No. 357 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate, Barh.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, the present order will not preclude the learned Court below to consider the grant of regular bail and get the issue mediated between the parties.

(Dinesh Kumar Singh, J)

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