

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 1366 of 2015**

Arising Out of P.S. Case No.-293 Year-2013 Thana- RAMNAGAR District- West Champaran

Awadhesh Prasad Verma Son of Late Yamuna Prasad Verma, Resident of Village - Nepali Tola Ward No. 2, Police Station - Ramnagar, District - West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abha Devi wife of Awadhesh Prasad Verma, Daughter of Bachcha Prasad, Resident of Village - Purainia, Police Station Maina Tand, District - West Champaran (Bettiah). At present resident of Village - Nepali Tola Ward No. 2, Police Station - Ramnagar, District - West Champaran (Bettiah).

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate  
For the State : Mr. B. N. Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 03-04-2019**

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner has moved the Court under Section 482  
of the Code of Criminal Procedure, 1973 for the following relief:

*“That this is an application for quashing the order dated 26.4.2014 passed by the Additional Chief Judicial Magistrate, Bagaha, West Champaran in G.R. Case No. 2209 of 2013 arising out of Ramnagar P.S. Case No. 293 of 2013 Trial No. 5277 of 2014.*

*By the aforesaid order the cognizance has been taken for the offences under section 323, 379, 498(A) of the Indian Penal Code against the petitioner.”*



3. The allegation against the petitioner and four others is of demand of dowry, assault, torture and also throwing out the opposite party no. 2, who is the wife of the petitioner, from the matrimonial home after taking away her belongings, ornaments and Rs. 5,000/- cash.

4. Learned counsel for the petitioner submitted that the opposite party no. 2 had suppressed the fact that her first husband was alive and had then married the petitioner and when such fact came out in the open, the trouble started.

5. Learned A.P.P. submitted that the stand of the petitioner is not correct for the reason that in the F.I.R. itself it was disclosed that it was the second marriage of the informant. Further, it was submitted that the background of the parties who are contracting marriage, in the present day society cannot be said to be a secret, for, in the normal course of events, the same is meticulously checked before persons are married, moreso when it is a case of second marriage for both the parties. Learned counsel submitted that when there is no other complaint against the opposite party no. 2 with regard to non performance of her wifely responsibilities and also there being no complaint that the first husband had come to the house of the petitioner and created nuisance, taking all belongings and turning her out of the



matrimonial home cannot be justified. It was submitted that it is the responsibility of the petitioner to keep the opposite party no. 2 with him in the matrimonial home with full dignity, honour and security, till the time such relationship is not dissolved, which in the present case has not been done.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application. Accordingly, the same stands dismissed.

**(Ahsanuddin Amanullah, J.)**

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