

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18628 of 2019**

Arising Out of PS. Case No.-226 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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SANOJ KUMAR Son of Devaki Rai Resident of Village-Paharichak, P.S.-
Sonepur, District-Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sujata Kumari D/o Surendra Chaudhary, wife of Sanoj Kumar Resident of
Village-Majhouli, P.S.-Bidupur, District-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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

4 26-06-2019 Heard learned counsels for the petitioner and the
complainant.

The petitioner, being the husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 379 and 498A/34 of the IPC
and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that
the complainant was married with the petitioner on 22.1.2018 as
per Hindu rites, but subsequent to the marriage, due to non-
fulfillment of further dowry demand, torture was inflicted upon
her.



It is submitted by learned counsel for the petitioner that the marriage was forcefully performed. The petitioner was kidnapped at the hands of the complainant side for which the mother of the petitioner filed Sonapur P.S. Case No. 57 of 2018 with the accusation under Sections 347 and 365 of the IPC wherein statement of the petitioner under Section 164 of the Cr.P.C. was recorded on 30.1.2018 wherein he has alleged forceful marriage and thereafter the present complaint was filed on 1.2.2018. It is further submitted that the marriage has never been consummated.

Learned counsel for the complainant submits that as per own statement of the petitioner, the performance of marriage has not been denied and if the marriage is not denied, the offence under Section 498A of the IPC is made out.

Considering the rival submissions of the parties and keeping in view the fact that the FIR was lodged by the mother of the petitioner with the accusation of kidnapping of the petitioner at earlier point of time and thereafter the complaint was filed, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned SDJM, Hajipur at Vaishali in connection with
Complaint Case No.C 1-226 of 2018 subject to the conditions
laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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