

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19632 of 2019

Arising Out of PS. Case No.-951 Year-2012 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SUDHIR KUMAR S/o Birendra Prasad R/o village- Tehaiyapar, P.S.-
Khijarsarai, District- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajesh Prasad. Son of Late Dilip Yadav, resident of Vill- Ranipur Khurd,
P.S.- Telhara, Distt- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Lovekush Kumar,Adv
For the OP No. 2	:	Mr.Shashi Chandra Pandey,Adv
For the State	:	Mr.J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 03-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 498A iPC registered in connection with
Complaint Case No. 951C/2012.

3. It is submitted that the petitioner has been falsely
implicated and the validity of the marriage between the
petitioner and the daughter of the complainant is itself in
dispute. It is submitted that the petitioner was forcibly
kidnapped on 01.03.2012 by the complainant's side when he was
about 15 years of age and was not capable of giving consent for a
valid marriage. Accordingly, Complaint Case No. 1129C/2012 was
filed by the petitioner's father on 26.06.2012 which was
subsequently converted into Khijarsarai P.S. Case No. 197/2016.
In course of investigation of which the case of kidnapping was
found true by the S.D.P.O., in the supervision note (Annexure-4).



The petitioner has filed Matrimonial Case No. 180 of 2012 under Section 12 of the Hindu Marriage Act for declaring the marriage null and void, which is said to be pending before the learned Principal Judge, Family Court, Gaya. It is further submitted that the petitioner had taken steps against the order of cognizance dated 18.02.2013 as enumerated in para 10 of the petition in order to explain the delay in preferring the present petition. The petitioner claims clean antecedents.

4. Learned counsel for the complainant resists the petition, submitting that it is evident from the aforesaid supervision note of the S.D.P.O. itself that the petitioner's father had come to the complainant's house and found the petitioner on 01.03.2012 namely, the date of occurrence itself. However, the petitioner's father filed Complaint Case No. 1129C/2012 after a delay of more than three months on 26.06.2012. It is submitted that the parties were married and the petitioner has been treating the complainant's daughter with cruelty. No counter affidavit has been filed on behalf of the opposite party.

5 Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Hilsa (Nalanda), in connection with Complaint Case No. 951C/2012, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence



till conclusion of the trial.

iii. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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