

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34841 of 2019

Arising Out of PS. Case No.-369 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SUMAN KUMAR @ CHHOTU Son of Dilip Yadav Resident of Village -
Kushiam, P.S.- Baheri, Distt - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ram Dai Devi D/o Late Rajgir Yadav Resident of Village - Shivram, P.S.-
Baheri, Distt - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-08-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint case
No. 369 of 2017 registered under Section 498A, 323, 504, 506,
327, 34 of the IPC and u/s 4 of the Dowry Prohibition Act.

The complainant alleged that her marriage with
petitioner was solemnized in the year 2016 but in the month of
January, 2017 her husband and other in-laws assaulted her and
drove her out from the house after snatching all her belongings.
She further alleged that brother and other family members of
the complainant made all efforts for reconciliation but that
resulted into failure of the reconciliation.

The learned counsel for the petitioner submits that
complainant is not the legally wedded wife of the petitioner.



There is no marriage card or any document to show that petitioner was ever married with the complainant. It is submitted that petitioner is not ready to keep the complainant. The elder brother of petitioner is still unmarried. It is further submitted that complainant herself deposed in the maintenance case that her father gave dowry worth Rs. Two lakhs but in cross examination she deposed that her father died while she was two years old. It is submitted that from the evidence of the complainant herself the factum of marriage is not proved.

On the other hand, the learned counsel for the complainant submits that complainant adduced evidence in the complaint case and the witnesses have also deposed that marriage of petitioner was solemnized with the complainant.

Taking into consideration the facts that petitioner being the husband of the complainant is not ready to keep his wife and petitioner deserted his wife without any rhyme and reason, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

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(Prabhat Kumar Jha, J)

