

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4399 of 2015**

Arising Out of PS. Case No.-2 Year-2014 Thana- GORAUL District- Vaishali

Chhotan Kumar Sahni Son of Babulal Sahni, Resident of Vill- Hirapur, P.S-  
Paro, Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Kumari Wife of Chhotan Kumar Sahni, D/O- Dudhnath Sahni  
Resident of vill-Kabilapur, P.S-Goural (Kathara O.P) Distt.-Vaishali

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                       |
|----------------------|---|-------------------------------------------------------|
| For the Petitioner/s | : | Mr. Mukesh Kumar, Advocate                            |
| For the State        | : | Mr. Jharkhandi Upadhyay, APP                          |
| For the O. P. No. 2  | : | Mr. Anil Kumar with<br>Mrs. Kanchan Kumari, Advocates |

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

**Date : 10-05-2019**

Heard learned counsel for the petitioner; learned APP for  
the State and learned counsel for the opposite party no. 2.

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

*“That this application is being filed for quashing the  
order dated 24.12.2014 passed Goraul (Kathara O.P)  
P.S. Case No-2/2004 by Ld. SDJM Vaishali at Hajipur  
in G.R. No.75/14/Tr. No. 6126/14 arising out of  
Goraul (Kathara O.P) P.S. Case No. 2/2014 whereby  
and whereunder the Ld. SDJM took cognizance against  
the petitioner and others for the offence u/s 498A/34 of  
the IPC and 3/4 of D.P Act.”*

3. The allegation against the petitioner is of demand of  
dowry, assault, torture and snatching away of her belongings.



4. Learned counsel for the petitioner submitted that the so called marriage of the petitioner to the opposite party no. 2 was after abducting him which itself is illegal. It was submitted that he was already married from before, and thus, there was no occasion for him to marry for the second time and further that the marriage having been performed in a temple, there is no proof with regard to any such event having taken place. Learned counsel further submitted that even the wife of the petitioner, who is the only legally married wife, has given an affidavit with regard to such fact.

5. Learned APP and learned counsel for the opposite party no. 2 submitted that all defence and points taken by the petitioner in the present application can be looked into only at the time of trial since to prove such defence, materials have to be brought on record and evidence adduced to prove such material, both with regard to there being abduction and forcible marriage and that the petitioner was married from before and also that no marriage took place in the temple.

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.



7. As has rightly been submitted by learned APP and learned counsel for the opposite party no. 2, all points argued before the Court and taken in the present application are matters of trial which this Court is not in a position to go into and arrive at a categorical finding. Thus, the only remedy available to the petitioner is of getting his innocence proved during trial where he shall have full opportunity with regard to bringing on record materials in his favour and also witnesses to support such contention.

8. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J)**

Anjani/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

