

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47881 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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Subhash Thakur @ Subhash Kumar, Son of Late Nepal Thakur, Resident of
Village- Adabari Ward No.15, Naya Tola (Naie Tola), P.S.- Chautham,
District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi W/o Subhash Thakur R/o Village- Adabari Ward No.15, Naya
Tola (Naie Tola), P.S.- Chautham, District- Khagaria. At present D/o Sahdeo
Thakur, R/o Village- Mubarakpur, P.S.- Salakhua, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-08-2019 Heard learned counsels for the petitioner and the

State.

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 Section 498A of the IPC and Section
4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is that
the marriage between the petitioner and the
complainant/opposite party no.2 was performed in the year
2014. For few months of the marriage, the relationship between



the petitioner and opposite party no.2 was cordial and thereafter, for non-fulfillment of the further dowry demand of Rs. 1 lac, torture was inflicted on opposite party no.2 at the hands of the petitioner and other in-law family members. It is further alleged that on 30.12.2017, all the accused persons including the petitioner made an attempt to kill opposite party no.2 by causing burn injury. Ultimately, opposite party no.2 was driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner was minor when he was forcefully got married with the complainant and hence, he is not ready to keep her.

Learned counsel for the complainant submits that the marriage between the petitioner and the complainant is admitted. The complainant has also filed Maintenance Case No. 29 of 2019, which is pending before learned Principal Judge, Family Court, Saharsa and in that case also, the petitioner is not appearing. It is further submitted that the petitioner never filed any case alleging that he, being a minor, was forcefully married with the complainant and this plea, for the first time, is being taken in the present proceeding.

The petitioner and the complainant are present in the Court. The complainant is still ready to resume the conjugal



rights, whereas the petitioner is adamant not to keep her at any cost.

Considering the rival submissions of the parties, this is not in dispute that the petitioner was married with the complainant when there is nothing on record to suggest that the petitioner ever raised the issue of being minor at the time of forceful marriage at any forum and keeping in view the present stand of the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, learned Court below may consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks in connection with Complaint Case No. 52C of 2018, pending in the Court of learned SDJM, Saharsa.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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