

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66375 of 2019

Arising Out of PS. Case No.-444 Year-2018 Thana- BHAGWAN BAZAR District- Saran

GUNJESH NARAYAN Son of Sushil Kumar Jaiswal Resident of Mohalla-
Chhatradhari Bazar, Hospital Chok, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari D/o Anil Choudhary Resident of Village - Sitalpur, P.S.-
Dighwara, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Alok Kumar Sinha

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-10-2019 Heard both sides.

The petitioner apprehends his arrest in Bhagwan Bazar P.S. Case No.444 of 2018 registered under Sections 199, 498A, 494, 406, 323, 384, 467, 468, 471, 420 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The informant filed complaint case on the basis of which the present F.I.R. was registered. The informant made allegation that her marriage was solemnised with the petitioner on 06.12.2012 but thereafter the petitioner and his family members subjected her to all sorts of physical and mental torture.

The learned counsel for the petitioner submits that



immediately after marriage, the petitioner and his wife decided to dissolve their marriage by a decree of divorce with mutual consent and filed Divorce Case No.219 of 2013. The marriage of the petitioner with the informant was dissolved by order dated 16.04.2014 passed in Matrimonial (Divorce) Case No.219 of 2013. The informant filed Misc. Appeal No.349 of 2014 and a Division Bench of this Court by order dated 26.06.2015 directed the petitioner to raise the point that the petition for divorce with mutual consent was not maintainable before the Principal Judge, Family Court, Saran and on such, Principal Judge, Family Court, Saran shall pass order in accordance with law. Thereafter, learned Principal Judge, Family Court, Saran at Chapra passed order on 30.07.2018 and dismissed the petition of divorce with mutual consent on the ground that the same is not maintainable under Section 14 of the Hindu Marriage Act. The petitioner filed Misc. Appeal No.713 of 2018 against the judgment and order dated 30.07.2018 passed in Divorce Case No.219 of 2013. Notice was issued to the informant by order dated 02.05.2019 passed in Misc. Appeal No.713 of 2018. Thereafter, the informant filed the present complaint case. It is further submitted that informant has already solemnised marriage in Patleshwar Mandir, Hajipur on 19.06.2019.



It appears that of course the marriage of the petitioner was solemnised in the year 2012 but the informant and the petitioner filed joint petition seeking divorce with mutual consent and the marriage was dissolved but the informant filed miscellaneous appeal challenging the order granting divorce with mutual consent on the ground that the petition seeking divorce with mutual consent is not maintainable and on such, the matter was remitted. Thereafter, the Principal Judge by order dated 30.07.2018 passed in Divorce Case No.219 of 2013 dismissed the petition of divorce with mutual consent. Petitioner has already filed Misc. Appeal No.713 of 2018 in which notice was issued to the informant. The certificate has also been annexed with the bail petition showing that the informant has already solemnised second marriage with Avinash Kumar Chaudhary.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with



Bhagwan Bazar P.S. Case No.444 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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