

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69711 of 2018

Arising Out of PS. Case No.-163 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Brajesh Kumar @ Brajesh Yadav @ Gajju @ Gujju, Son of Suresh Yadav,
Resident of Village- Barari, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Khushboo Devi, D/ Late Jagdish Yadav, Resident of Village- Laxmipur, P.S.-
Barari, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel

For the Opposite Party/s : Mr.Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the complainant-
opposite party no.2.

The petitioner is apprehending his 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 Indian Penal Code and Sections 3/4 of the
Dowry Prohibition Act.

The prosecution case got initiated with the filing
of Complaint Case No. 163 of 2016 by Khushboo Devi on
21.01.2016 alleging therein that the complainant's marriage was



performed with the petitioner at the Village Kali Temple and Rs.1,00,000/- was given prior to the marriage by the brother of the complainant, Rs.15,000/- was given for reception of marriage Party and articles worth of Rs.51,000/- was also given as dowry. After the marriage, the complainant remained in her matrimonial house for seven days and thereafter, the complainant went to her parents house on persuasion of the petitioner with promise to bring her back after seven days, but in spite of great persuasion by the complainant, she was not allowed to come back to her matrimonial house. Subsequently, further dowry demand of a motorcycle and Rs. 51,000/- was made by the petitioner and other in-law family members. It is also alleged that the accused persons wanted to take two kathas of land from the brother of the complainant and due to non-fulfillment of the dowry demand, the complainant was not allowed to come to her matrimonial house by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage, statement to that effect has been made in paragraph 13 of the petition. It is further submitted that the complaint petition does not bear the date of marriage, there is no proof with regard to the marriage and in order to blackmail the petitioner, the present



complaint has been filed against him and his family members.

It is submitted by learned counsel for the complainant that the marriage was performed at the Village Kali Temple. However, the date of the marriage has not been mentioned in the complaint petition and there is no documentary proof with regard to the marriage, but finding, prima facie, case the order of cognizance has been passed.

Considering the rival submissions of the parties, though the specific stand has been taken in the petition that the petitioner was never married with the complainant, moreover, on the alleged time of marriage, the petitioner claims to be minor, though, no such specific stand of denial of marriage was taken before the learned Court below, but considering the fact that the complaint petition does not bear the date of marriage nor is there any documentary proof on record with regard to the marriage of the complainant and the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial



Magistrate, Katihar in connection with Complaint Case No. 163
of 2016, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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