

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69865 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA District- Munger

Amit Kumar S/o Omveer Singh R/O - Choti Keshopur, P.S.- Jamalpur,
District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Amrita Kumari D/O Ramlakan Singh R/O Khanpur, PS Tarapur, District-
Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Mr. Amresh Kumar Sinha, Advocate Ms. Preety Kunwar, Advocate
For the Opposite Party/s :		Mr. Rajendra Singh, A.P.P. Mr. Avinash, Advocate,

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-12-2021 Heard Mr. N.K. Agrawal, learned senior Advocate for the petitioner and Mr. Avinash for the opposite party no. 2. The State is represented by Mr. Rajendra Kumar, learned APP.

The petitioner, who is the husband of opposite party no. 2, seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 14 of 2019 dated 03.04.2019 instituted for the offences under Sections 498(A), 341, 323, 313, 420, 504, 494, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Learned Advocate for the petitioner has submitted that prior to the lodging of the subject F.I.R.,



the mother of the petitioner had lodged a complaint that her family was being pressurized to marry the petitioner with the opposite party no. 2. A suit also has been filed for declaring the marriage of the petitioner with opposite party no. 2 to be non-est in the eyes of law.

Learned counsel for the opposite party no. 2 however has demonstrated that because of the ill treatment meted out to her, she had made a complaint before the D.I.G., Munger on 15.03.2019 and on that basis, a case was registered on 23.02.2019. The marriage according to the opposite party no. 2 had taken place on 21.07.2018 only. The complaint made by the mother of the petitioner, it has been urged on behalf of opposite party no. 2, is absolutely false and is only meant to turn the gaze of the investigation to different set of non existing facts.

In the aforesaid complaint which was lodged on 23.03.3019, there is specific averment of the mother of the petitioner that the petitioner was never married. However, in the present petition, it has been stated that the petitioner is married to one Nilu Kumari on 27.02.2019 and is leading conjugal life with her.

The effort of the petitioner here is to impress upon the fact that no marriage had taken place between the petitioner and opposite party no. 2 and therefore, he



be granted anticipatory bail in the event of an earlier complaint by his mother and a suit for declaration of the marriage to be null and void by him before a competent of law.

With these anomalous facts in the complaint petition filed by the mother of the petitioner and the definite assertion of the petitioner that he is married with another lady and is leading a conjugal life, this court does not deem it appropriate to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

(Ashutosh Kumar, J)

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