

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22180 of 2022

Arising Out of PS. Case No.-2744 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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AMAN son of Ram sewak Paswan Resident of Chand Hari, P.S. Sabour,
District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Kabbi Paswan Resident of Chand Hari, P.S. Sabour, District - Bhagalpur, At present residing at Khir Hari Chowk Churthi Riyapir, P.S. Korha, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-02-2023 Heard Mr. Ajit Kumar Singh, learned counsel for the

petitioner as also Md. Musowir who is appearing on behalf of

the informant and Mr. Rana Randhir Singh, learned APP for the

State.

The petitioner apprehends his arrest in connection
with Complaint Case No.2744 of 2019 instituted under Sections
498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

The lady has complained that they both belong to the
same village and it was a love affair and one fine morning, the
petitioner put vermilion on her head stating that from today, the
complainant is his wife. Subsequently, they also went to the
Katihar Civil Court and on affidavit, they married each other.



When the parents came to know about it, the inlaws demanded Rs.5,00,000/- and stated that only then, the marriage could be accepted and when this was objected by the complainant, she was thrown out of the house. Accordingly, the present complaint was lodged.

While filing this anticipatory bail application, in paragraph -10, the petitioner stated that he is ready to keep the opposite party as a duly wedded wife with full honour and dignity.

Accordingly, a coordinate bench of this Court referred the matter to the mediation center and a report has come, according to which the mediation failed.

Learned counsel for the petitioner submits that the lady is a stranger not known to him, the marriage never materialized, the affidavit does not bore his signature, she is an impostor who is trying to become his wife and in that background, he deserves the relief.

Learned counsel for the informant on the other hand submits that a bare perusal of para-10 would show that this very petition was filed stating that he is ready to keep her as legally wedded wife and only in that backdrop, he was granted the interim relief and the matter was sent to the mediation center. It



is his further submission that there is nothing on record to show that if the signature of the petitioner is not on the affidavit, he took any step in accordance with law against the complainant herein.

This Court finds force in the submissions put forward by the learned counsel for the informant.

The petitioner after putting vermilion on her head and thereafter going to the Civil Court, Katihar and put the same on affidavit and enjoyed the conjugal right, it is unfortunate that now he has shown his back to the complainant.

Further, it was only on the basis of the averment made by him in para-10 of the petition that he is ready to keep his wife with full dignity and honour that the coordinate bench granted interim protection to him while referring the matter to mediation center.

Needless to say, the interim protection granted to him stands vacated.

No case is made out for anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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