

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48696 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- SAHPUR District- Patna

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PRINCE KUMAR Son of Anil Kumar Singh Resident of Village - Mathiapar
kali Mandir, P.s.- Shahpur, Distt.- Patna. Petitioner/s
Versus

1. The State of Bihar
2. Kashish Rai W/o Prince Kumar , D/o Gauri Shankar Prasad Resident of
Village - Pachuchak , Ara Machine, P.s.- Danapur, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Pandey, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore,(App100)
For the informant : Mr. Prem Ranjan Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State as also the informant.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Shahpur P.S. Case No. 60 of 2022 under section 498A, 34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

As per the prosecution story, the lady married the
petitioner on 21.1.2021 before the Marriage Registrar, Patna and
started residing with him in the rented accommodation at
'Saguna More'. Further, the accused persons including the
petitioner herein later started demanding dowry and when she
objected to it, she was thrown out of the house.



Accordingly, the FIR.

Learned counsel for the petitioner with the help of para-7 of the affidavit has stated that the informant is not legally wedded wife of the petitioner and he never performed marriage with her. Whatever documents she is/are in possession of, has been obtained fraudulently. The further statement in para-12 is the reiteration of the earlier statement that he never performed the marriage with the informant and not lived together as husband and wife, so there is no question of physical relationship between the them, the marriage however never been consummated.

Further submission is that he is on police bail.

Per contra, learned counsel for the informant has filed counter affidavit and brought on record the marriage certificate dated 21.1.2021 to show that both the petitioner and the informant duly appeared before the Marriage Registrar, solemnized the marriage and the certificate to this effect duly signed by both the parties and stamped by the Marriage Officer, Patna provided (Annexure-A).

By way of Annexure-B some photographs of the couple of birthday have been brought on record to show how close they are to each other.



He thus submits that entirely false statement has been made in the affidavit that no such marriage took place ever for which the informant reserves her right to take appropriate legal steps at the later stage.

Learned APP Mr. Bharat Bhushan, on the other hand submits that being on police bail does not debar the petitioner to move before this Court and in view of the fact that he has already preferred this petition, the same can be decided on merit.

Taking into account the kind of allegation that has come against the petitioner and upon such denial of marriage, the lady was noticed and that now the counter affidavit has come alongwith annexures proving their marriage, the petitioner having lied to the Court earlier, he deserves no relief.

Taking into account all the aforesaid facts, the anticipatory bail stands rejected.

(Rajiv Roy, J)

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