

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51182 of 2022

Arising Out of PS. Case No.-113 Year-2016 Thana- GAIGHAT District- Muzaffarpur

BIRENDRA SAHNI @ VIRENDRA SAHNI SON OF RAM BALAK
SAHNI R/O VILLAGE- LOMA, P.S.- GAIGHAT, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand,Advocate

For the Opposite Party/s : Mr.Atul Chandra,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Gaighat P.S. Case No. 113 of 2016 for the offence registered under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per the FIR lodged in 2016, the informant alleged that his daughter Pinki Devi was married to the petitioner but she was tortured for dowry and in the process was assaulted by him. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the allegations have been wrongly alleged against him and he always kept his wife with dignity and in paragraph 12, it



has been incorporated as follows:

“That, the daughter of the informant Pinki Devi is living in her sasural with the petitioner where, the petitioner is always keeping her with full dignity and honour and the petitioner undertake to keep her with full dignity in future as she is living with him.”

On 11.01.2023, when the matter was taken up. Upon enquiry, on paragraph 12, learned counsel for the petitioner submitted that the couple are staying together and if required they can be produced in Court. Accordingly, he sought time to bring the couple on the next day.

Today, 12.01.2023 when the matter was taken up, learned counsel for the petitioner submits that contrary to the statement that was made by the petitioner in paragraph-12 which was filed on 06.09.2022, actually the lady is living with her father since last six months. He as such, was unable to produce her.

Learned APP for the State, on the said submission put forward by the learned counsel for the petitioner, submits that not only the wrong affidavit has been made in the petition, a false submission was also made on 11.01.2023. Accordingly, in



view of the fact that the matter is of 2016, the petitioner is not entitled to relief.

Taking into account the fact that the allegation of physical assault is of 2016, in paragraph-12, it was falsely stated that the lady is residing with the husband and there is allegation of torture and physical assault, this Court is not inclined to grant him relief, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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