

Tapan Kumar vs The State Of Bihar on 23 February, 2017

Author: Sanjay Priya

Bench: Sanjay Priya

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4939 of 2017
Arising Out of PS.Case No. -688 Year- 2013 Thana -EAST CHAMPARAN COMPL
EASTCHAMPARAN(MOTIHARI)
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Tapan Kumar, son of Sri Narayan Kumar, resident of village-Marpa Mohan
P.S.-Phenhara, District- East Champaran

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Versus

1. The State of Bihar &
2. Kadambani Devi, w/o Tapan Kumar, resident of village-Marpa Mohan,
P.O.-Deokulia, P.S.-Phenhara, District- East Champaran

..... Opposite

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Appearance :
For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP
Mr. Mahendra Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-02-2017

Heard learned counsel for the Petitioner and the State as well as learned counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint Case No.C-688 of 2013 instituted for the offence under Section(s) 498-A Indian Penal Code pending in the Court of the Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, Motihari, East Champaran.

Both husband and wife are present in Court. The wife has showed her inclination to go with her husband but the petitioner-husband is not ready to take her. The husband is adamant not to take the wife.

Specific allegation against the petitioner is of committing physical and mental torture with the informant-wife. Marriage has taken place in the year 2012 and just after marriage the petitioner started committing physical and mental torture with the informant-wife for which earlier a case was filed in 2013, in which the petitioner was granted anticipatory bail by High Court. Thereafter, instead of improving himself, he again started committing mental and physical torture with Informant for which instant case has been filed.

It has been submitted that on account of cruel behaviour a case of domestic violence has also been filed by the informant against the petitioner.

From the conduct of the petitioner in Court, it appears that he is adamant not to keep the informant.

It has been submitted on behalf of the petitioner that one time settlement be made.

In view of such, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

In the event the petitioner becomes ready to keep the wife at the time of surrender, the court below will be at liberty to pass appropriate order in accordance with law without being prejudiced by this order.

(Sanjay Priya, J) JA/-

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