

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12933 of 2014

Arising Out of PS.Case No. -92 Year- 2013 Thana -MAHILA P.S. District- SIWAN

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1. Avinash Parit @ Avinash Kr. Parit S/O Harendra Parit Resident Of
Village Sahpur, P.S. G B Nagar (Tarwara), District Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Manoj Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

7 08-01-2015 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel appearing on

behalf of the opposite party no. 2.

Petitioner is apprehending his arrest in connection

with Siwan Mahila P.S. Case No. 92 of 2013 registered for the

offences punishable under Sections 341, 323, 406 and 498A of the

Indian Penal Code.

Allegedly, the petitioner being the husband of the

informant whose marriage was solemnized on 24.4.2012 started

demanding dowry by way of cash of Rs. 5,00,000/- and a Bolero

vehicle and further due to non-fulfillment, started assaulting and

torturing the informant and lastly ousted her from the in-laws

house. The petitioner has filed divorce case also making several

allegations against the informant.

Submission is that the petitioner has filed divorce case wherein written statement has also been filed and after filing of divorce case, this case has been filed with wrong allegations and as such the petitioner deserves sympathetic consideration to which the learned APP and learned counsel representing opposite party no. 2 oppose by submitting that the opposite party no. 2 is still ready to live with her husband (petitioner) but the petitioner is not ready for the same and is torturing her physically and mentally both by making false allegation.

As the petitioner being the husband, due to non-fulfillment of demand of dowry, is torturing and assaulting the informant, and as such, this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly, his such prayer is rejected.

However, in case and if so advised, petitioner surrenders and seeks regular bail before the court below then his prayer shall be considered on its own merit and shall be disposed of on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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