

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16334 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -JALE District- DARBHANGA

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1. Mukesh Pratihast S/o Shyam sundar Pratihast Resident of Village Pihwara, P.s Saharghat, District- Madhubani. Presently Residing at flat No. 284 Sector 13, Pocket -A, Swaraka, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 25-06-2015

Heard Shri S.N.P.Sinha, learned senior counsel

appearing on behalf of the petitioner on the prayer for anticipatory of the petitioner in connection with Jalley P.S.Case No.103 of 2014 and also heard Shri Shailendra Kumar Jha, learned counsel appearing on behalf of the informant.

Some of the facts are undisputed that the petitioner was married to the informant in the year 2010 according to Hindu rite and rituals. Dowry and presents, as per the description in the FIR, were given by her parents on that occasion. She was taken to her matrimonial house and it was alleged that she was further taken to Kota in Rajasthan where she was illtreated and tortured and attempt was also made to kill her. The petitioner, thereafter, brought the lady on 18.07.2014 to her parents' house at village Massa and at about 1 A.M. in the night, he attempted to gag the lady by stuffing her mouth with clothes and then attempted to strangle her as a result of which, she became unconscious. The

petitioner fled away from there. The mother of the informant, findings the doors of the room left ajar by the petitioner while he was fleeing away found out that the informant was lying unconscious and it was how she was brought to Referral Hospital, Jalley where she gave her statement.

The submission of Shri Sinha was that the lady was not desirous of living with the petitioner and in order to enforcing his marital rights, he had filed a petition under Section 9 of the Hindu Marriage Act before the competent Court in Delhi. But, the lady was not appearing in the Court and had instead filed the present case.

The learned counsel appearing for the informant submitted that it was a marriage which was performed with expectations that the informant would be respected and looked after well by her husband, but it ultimately it proved a nightmare so much so that in order to mentally and physically torture the informant, the petitioner took out a matrimonial petition before the competent Court in Delhi which might not have the jurisdiction to entertain it as the marriage had been solemnized in Massa in Darbhanga and the lady had filed a petition before the Apex Court for seeking transfer of the case to the Court in Darbhanga so that it could be convenient to her to attend the proceedings. Submission was that the attempt of the Apex Court to seek the reconciliation between the parties did not succeed on

account of non-cooperative attitude of the petitioner. Submission was that the informant was treated in the hospital when she lost her conscious due to the attempt of the petitioner to gag and strangle her and she was duly treated by the doctors in Referral Hospital, Jalley from where she was referred to Darbhanga Medical College and Hospital.

I find from the rejection order passed by the learned 2nd Additional Sessions Judge, Darbhanga in ABP No.132 of 2015 that the learned Judge found injuries recorded by the doctor on the person of the informant copied in paragraph-14 of the case diary and materials were also found sufficient against the petitioner, reasonably showing the commission of the offences and acts complained of by the informant from paragraphs-5,6,7 and 8 of the case diary. Considering the nature of the allegations and seriousness thereof which appear supported by sufficient materials collected by the police, the Court is not inclined to release the above named petitioner on anticipatory bail. The petition is dismissed.

(Dharnidhar Jha, J)

B.Kr./-Anjani.

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