IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24611 of 2014

Arising Out of PS.Case No. -1244 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT District- WESTCHAMPARAN(BETTIAH)

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1. Brijesh Pandey @ Brajesh Pandey Son of Markandey Pandey resident of village- Ratanpur, Police Station- Raxaul, District- East Champaran, at present residing at Raxaul Koyeeri Tola Ward no.-25 (near Nagarpalika office), Police Station- Raxaul, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana @ Sundaram Devi Wife of Brijesh Pandey, daughter of radha raman Tiwari resident of village- Raxaul Koyeeri Tola Ward No.-25, Police Station- Raxaul, District- East Champaran, at present residing at Patbandi, Police Station- Majhaulia, District- West Champaran

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 29-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offence punishable under section 498 (A) of the I.P.C and section ¾ of the Dowry Prohibition Act.

Allegedly, the petitioner being husband of the complainant for not fulfilling the demand of dowry started torturing her and stopped food and clothes and lastly arranged second marriage resulting the Complainant is residing in her Maike as the petitioner refused to keep her.

Submission is that as a matter of fact the Complainant's behavior is cruel against the petitioner and she used

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to behave in cruel manner against the petitioner resulting the petitioner has filed divorce case in the Court of Principal Judge, Family Court, Motihari bearing Matrimonial Case No. 240 of 2013 and as such the petitioner deserves sympathetic consideration, to which the learned counsel for the Opposite party no.2 seriously opposes by submitting that the order dated 13.01.2015 passed by a Bench of this Court is sufficient enough to reject the prayer for bail of the petitioner as he flatly refused to keep the Opposite party no.2 with him.

In the facts and circumstances as stated above, considering that the petitioner is husband and he is not ready to keep the Complainant as his wife and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Complaint Case No. 1244C of 2013/ Trial No. 848 of 2014 pending in the Court of S.D.J.M. Bettiah, District- West Champaran.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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