

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27704 of 2014

Arising Out of PS.Case No. -62 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Mithilesh Kumar Singh, Son of Late Vijay Bahadur, resident of Village Ekauna, P.S- Barhara, District- Bhojpur, Presently resident of Road No. 6, Rajiv Nagar, P.S- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dimpal Kumari, Wife of Sri Mithilesh Kumar Singh, and D/o Sri Ram Krishna Singh, resident of Village+ P.O- Ganghar, P.S- Muffasil, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Opposite Party/s : Mr. Zainul Abedin(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 08-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks the privilege of pre arrest bail in connection with Bhojpur Mahila P.S. Case No. 62 of 2014 registered for the offence under Sections 323, 498A, 504 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner being the husband after marriage started again demanding Rs. 2,000,00/- and due to non-fulfillment started abusing, assaulting and torturing her and further caused threats to leave her. The petitioner also caused threats to kill her and then her father brought her to Naihar.

Submission is that the petitioner has filed

Matrimonial Case No. 944 of 2013 for divorce and thereafter this case has been filed with wrong allegation. The informant is a lady of questionable character and she does not want to live happily and peacefully as she wants to live with another person from whom she used to talk telephonically.

Learned APP opposes the prayer for bail by submitting that the petitioner is the husband and there is specific allegation against him.

Noticing the specific allegation against the petitioner, who is the husband, this Court is not persuaded to grant the privilege of pre arrest bail to the petitioner and accordingly, his prayer for anticipatory bail stands rejected.

But, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then in that case his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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