

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21116 of 2014

Arising Out of PS.Case No. -1081 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Swarath Mahto son of Late Krishna Mahto Resident of village -
Masuma, P.S. Sarmera, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi W/o Swarath Mahtl Resident of village - Masuma, P.S.
Sarmera, District - Nalanda, at present residing of village - Narayanpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Swarup Prasad
For the Opposite Party/s : Mr. Mukesh Kr. Singh (App)

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

5 05-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1081C of 2013 in which cognizance has been
taken for the offence punishable under Section 498A of the
Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition
Act.

Allegedly, the petitioner being the husband started
torturing and assaulting the complainant for non-fulfillment of
demand of cash of Rs. 50,000/- for purchasing motorcycle and in
this way committed cruelty towards her.

Submission at the bar for grant of pre-arrest bail to the petitioner is that the petitioner is ready to keep her and maintain her with full honour and dignity but she is not ready to live with him for which a Matrimonial Case No. 150 of 2013 has already been filed before the learned Principal Judge, Family Court, Nalanda for restitution of conjugal right and information in this regard has also been given to Mahila Police Station to which the learned APP opposes.

The petitioner is the husband of the complainant, and as such, this Court is not persuaded to grant him the privilege of pre-arrest bail but in case, if so advised, the petitioner surrenders and seeks regular bail before the learned court below, his prayer for regular bail shall be considered on its own merit taking into consideration all the points and accordingly, this anticipatory bail application is hereby disposed of.

(Jitendra Mohan Sharma, J)

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