

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23944 of 2014

Arising Out of PS.Case No. -340 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

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1. Mohan Dhankar S/o Mahendra Dhankar R/o Village - Baligarh, P.S. Runni Saidpur, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Fulo Devi W/o Mohan Dhankar, D/o Meghu Dhankar At present residing at the village - Barhi, P.S. Bajpatti, District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. M.Rub (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 12-01-2015 Heard the parties.

This is an application for anticipatory bail for the offence punishable under sections 498 A, 341, 323 and 379/34 of the I.P.C and section 3/4 of Dowry Prohibition Act.

The petitioner and the Informant solemnized marriage and thereafter demand of buffalo and colour T.V. was made and due to non-fulfillment the petitioner and his family members started torturing the Informant physically and mentally. She was taken out from the house and after Panchayati she was again taken back to her Sasural where she became pregnant and she was pressurized for abortion. She was assaulted by the petitioner and others. The condition of the Informant became serious and she was

being treated by the Village Doctor who gave medicine to her for abortion and ultimately abortion took place. Thereafter, again Panchayati was done. For Indira Awas an amount of Rs. 35,000/- was sanctioned in favour of the Informant but the petitioner took away the said amount of Rs. 35,000/- and ousted her from the matrimonial house and in the meantime the petitioner performed another marriage with one Parwati Devi.

The submission at the bar for pre-arrest bail is that admittedly the petitioner is the husband of Opposite party No.2 but prior to the marriage with the petitioner Opposite party No.2 was married with one Santosh and considering this fact got herself married with petitioner without dissolution of first marriage. This fact has been admitted in the counter affidavit in paragraph-7 and as such marriage between the petitioner and the Informant being void no offence as alleged is made out, to which the learned counsel for the Informant and the learned A.P.P. opposed.

Considering that the marriage is admitted one and the petitioner is husband and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner stands rejected in connection with Runni Saidpur P.S. Case No. 340 of 2013 pending in the court of C.J.M. Sitamarhi.

However, in case if he is so advised, the petitioner surrenders and seeks regular bail, 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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