

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28958 of 2014

Arising Out of PS.Case No. -14 Year- 2014 Thana -MAHILA PS District- GAYA

1. Uday Shankar S/O Jay Prakash Ram Residence of Mohalla - Powerganj
Bageshwari Near Railway Crossing, P.S. - Kotwali, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 19-01-2015 Heard learned counsel for the petitioner, learned
counsel representing the State and learned counsel for the
informant.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 14 of 2014 registered for the offences
punishable under Sections 498A, 495, 314, 323/34 of the Indian
Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

The petitioner and the informant being teachers in R. S.
Grien Convent School, Gaya developed love and thereafter, they
arranged marriage in Belaganj Kali Mandir and after marriage she
was taken to Tekari and after some days she came to the house of
her Mami. On the eve of holi, she was brought by her husband, the
petitioner, to his house at Bageshwari and then started living in a



rental house near Vishnupad temple as husband and wife but the behaviour of the petitioner changed. He started recording in Mobile her nude photo and on protest assaulted her and then the informant came to know that he has his first wife also and he had a child too and whenever she became pregnant, the petitioner got aborted her forcibly and demanded dowry from her parents. The petitioner tortured her mentally and physically when she went to her in-laws house, she was not allowed by the accused persons to enter there.

It is submitted on behalf of the petitioner that the petitioner is married person and has one child too. He has never married with the informant. Prior to institution of the present case petitioner's father has lodged Sanha and only with a view to extract money, the informant has filed this case. The documents which have been produced are manufactured one and the petitioner has also filed a declaratory suit before the competent court.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that informant's name has been given as nominee in Reliance Life Insurance for the guaranteed money back plan, in voter identity card also the informant has been shown as his wife and Aadhar

Card is also there.

In the facts and circumstances stated above and noticing that there is specific allegation against the petitioner and materials produced suggest that the informant is being harassed by the petitioner, and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

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

(Jitendra Mohan Sharma, J)

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