

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29786 of 2014

Arising Out of PS.Case No. -45 Year- 2013 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

1. Govind Mishra Son of Sri Ram Mandhar Mishra Permanent Resident of Village-Majuwar, P.S.-Chandauli, District-Chandauli, Uttar Pradesh Presently resides at mohalla-house no.-S/10-2 C.H. Gita Nagar Colony Chauka ghat, P.S.-Chaukaghat, Varanasi Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar
2. Padma Mishra Wife of Govind Mishra, daughter of Devendra Mishra Presently resides at village-Derhagaon, P.S.-Dewath, District-Rohtas.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Jha
For the Opposite Party/s : Mr. Abhay Kr. 1(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Mahila P.S. Case No. 45 of 2013 registered for the offences punishable under Sections 498A, 323, 341, 342, 506, 376/34 of the Indian Penal Code, Section 67 of I.T. Act and Sections 3 of the Dowry Prohibition Act.

Allegedly, the petitioner being the husband of the informant used to assault and torture her for non-fulfillment of demand of dowry and further other co-accused persons, namely, Devendra Mishra and Arbind Mishra committed rape forcibly and

also threatened her.

Submission is that there is no specific allegation rather the allegation is omnibus and general in nature and the Police has found the case to be untrue under Section 376 IPC and as such the petitioner being the husband deserves sympathetic consideration to which the learned APP opposes.

Considering the fact that the petitioner is the husband and there is specific allegation that when the informant saw his illicit relation with another girl she was assaulted by the petitioner brutally and was kept confined, 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 shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--