

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30380 of 2014

Arising Out of PS.Case No. -86 Year- 2001 Thana -RAJAUN District- BANKA

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1. Kesho Mandal @ Krishaw Mandal @ Keshaw Mandal, Son of Dhole Mandal, R/o village- Ghiya, Police Station- Sabour, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Md.Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Rajoun P.S. Case No. 86 of 2001 registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner being the husband of the informant along with others tortured her for not fulfilling the demand of Rs. 10,000/- and further the petitioner arranged second marriage and she was ousted from the in-law's house after snatching ornaments and clothes valuing Rs. 10,000/-.

Submission is that the petitioner has been falsely implicated and as a matter of fact, the informant herself does not

want to live with the petitioner and she has arranged second marriage with one Binod Kumar and living happily with her new husband, to which the learned A.P.P. opposes the privilege of pre-arrest bail by submitting that the petitioner has arranged second marriage and started torturing the informant.

As the petitioner being the husband has tortured the informant in various manners in course of discharge of matrimonial obligations and further arranged second marriage with another lady resulting the informant has taken shelter in her parental house and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner and, accordingly, such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks bail then 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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