

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43214 of 2014

Arising Out of PS.Case No. -34 Year- 2013 Thana -MAHILA PS District- JAMUI

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Manoj Das Son of Mittan Das Resident of Village - Sono Police Station -
Sono, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Manoj Das, Daughter of Chautar Das Resident of
Village - Parachi, P.S. - Chakai, District - Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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

2 16-04-2015 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

In this application for pre-arrest bail, the petitioner apprehends his arrest for the offences punishable under Sections 323, 504, 379 and 498A/34 of the Indian Penal Code.

Allegedly, the complainant, Babita Devi was married with the petitioner on 22.4.2004 and after marriage she went to her in-laws house and the petitioner and other in-laws started demanding T.V., Motorcycle, Bed and cash and due to non-fulfillment of the demand, she was tortured and attempt was made to burn her and after snatching her all belongings she was ousted from the in-laws house for which Complaint Case No.

461(C)/2008 was filed and after compromise she was brought to her in-laws house where she gave birth of a child, but again dowry was demanded and she was assaulted and ousted from the house and the petitioner has refused to keep her.

The submission on behalf of the petitioner is of false implication and that the complainant herself does not want to live with her husband. There is no specific allegation and as such the petitioner, being the husband, deserves sympathetic consideration to which the learned A.P.P. opposes.

From a perusal of the impugned order it reveals that the complainant-wife of the petitioner was present before the learned Sessions Judge and she was ready to live with the petitioner but the petitioner was not ready to keep her as his wife. She has a child in her lap but the petitioner intentionally did not appear in Court.

Considering the specific allegation against the petitioner, this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and as such his prayer stands rejected in connection with Jamui Mahila Police Station Case No. 34/2013 pending in the Court of the S.D.J.M., Jamui.

(Jitendra Mohan Sharma, J)

S.Pandey/-

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