

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48725 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

1. Naresh Kumar S/o Late Gowardhan Ram Resident of Mohalla - Gol Bagicha, Kallu Lal Lane, Near - Durga Mandir, P.S. Kotwali, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav

For the Opposite Party/s : Mr. Anusuaiya Jaiswal(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-07-2015 Heard learned counsel for the petitioner, learned counsel representing the State and learned counsel for the informant.

Supplementary affidavit has been filed on behalf of the petitioner which has been taken on record.

Petitioner apprehends his arrest in connection with Mahila (Thana) Dihri P.S. Case No. 08 of 2014 registered for the offences punishable under Sections 498A, 406, 323, 341/34 of the Indian Penal Code and Sections 3 / 4 of Dowry Prohibition Act.

The petitioner being the husband of the informant demanded AC vehicle worth rupees ten lacs as dowry and due to non-fulfillment, she was tortured and assaulted by him. During

course of her pregnancy also she was brutally assaulted by the petitioner and others and she came to her Naihar with her father but she was not allowed to take her articles. In the Naihar also she was abused and assaulted by the petitioner.

Submission is of false implication and that the petitioner is ready to keep her with all dignity and comfort and for that the petitioner has filed Matrimonial Case No. 333 of 2013 under Section 9 of Hindu Marriage Act for restitution of conjugal right in the court of learned Principal Judge, Family Court, Gaya prior to filing of the present case but she is not ready and, as such, the petitioner being falsely implicated deserves sympathetic consideration as he has never demanded anything.

Learned APP duly assisted by the learned counsel for the informant opposed the prayer of pre-arrest bail by submitting that in the court of learned Sessions Judge, Rohtas, it was the petitioner who refused to keep her as his wife but the victim was always ready to live with him. In the Family Court also the informant attended the court and showed her willingness to go with the petitioner but the petitioner evaded the matter.

Considering the allegation attributed against the petitioner and further that before learned Sessions Judge, Rohtas, the petitioner was not ready to keep the informant, this Court is

not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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