

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43499 of 2014

Arising Out of PS.Case No. -378 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Pankaj Kumar, son of Surendra Prasad, resident of Mohalla - Gandhi
Chock, Ward No.4, P.S. Lalganj, District - Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate

For the Opposite Party : Mr. Manish Kumar 2 (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-05-2015 Heard learned counsel for the petitioner and the learned

counsel for the complainant. Petitioner is present in Court today,

so also the complainant Gargi Devi.

The matter has been heard at length.

So far as the petitioner is concerned, this Court had
earlier on 20.3.2015 extended the protective umbrella to the
petitioner from prosecution in C.R. No.378 of 2013, pending in
the court of the learned Sub-Divisional Judicial Magistrate,
Madhubani, on the assurance given by him that he is willing to
collect his wife from her parents' house within a fortnight from the
said date and that there shall not be any unusual incident so as to
cause further torture to the complainant.

Complainant has stated that even as on date she is



willing to go and live with the petitioner in Kolkata where he is working in the Railways but she is merely making a humble request that the petitioner shall accompany her to her father's house and after staying for a few days may take her to Kolkata, for which he is willing. However, the petitioner has now changed his stand. He has filed a supplementary affidavit stating that the complainant is in a bad ways and for the said purpose he has brought on record certain letters written to the Officer-in-Charge, Nischinda Police Station, Saheb Bagan, Bally, Howrah dated 7.4.2015 requesting him to lodge an F.I.R. against Gargi Devi, wife of Shri Pankaj Kumar and also one Pankaj Kumar, son of Rajendra Mandal working at S.S.E. (C &W) I.C. Chitpur, Eastern Railway, P.O. Belgachia, Kolkata. In the said letter the petitioner has stated that said Pankaj Kumar provoked his wife Gargi Devi to escape from his house and now they have started living as husband and wife.

However, this Court after interaction with the complainant has been informed that the petitioner's wife has not been living with said Pankaj Kumar son of Rajendra Mandal and has been living at her father's place at Madhubani. Such allegations made by the petitioner against the complainant Gargi Devi is nothing but a further act on behalf of the petitioner to

cause mental torture to her. It is evident from such letters that he is adamant to harass her further with ulterior motive to tarnish her character, which cannot be appreciated by this Court.

Learned counsel for the petitioner, however, submits that a report may be called for from the Officer-in-Charge, Nischinda Police Station, Saheb Bagan, Bally, Howrah.

This Court is not a fact finding Court; rather in the application for anticipatory bail, it is guided by the materials available on record and will not go beyond the scope of Section 438 of the Code of Criminal Procedure. It is only in order to facilitate the re-union between the husband and the wife that the Court had stated earlier that no coercive steps be taken against the petitioner.

Under the facts and circumstances stated above and considering the subsequent developments and also knowing the submissions made by the complainant and the conduct of the petitioner, I am not inclined to grant anticipatory bail to the petitioner. The order dated 20.3.2015 directing that no coercive steps be taken against the petitioner is withdrawn. This application is, thus, dismissed.

The petitioner is directed to surrender before the Court below i.e., court of the Sub-Divisional Judicial Magistrate,

Madhubani, in connection with C.R. No.378 of 2013, within a period of two weeks from the date of presentation/communication of a copy of this order.

(Anjana Mishra, J)

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