

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50486 of 2014

Arising Out of PS.Case No. -28 Year- 2014 Thana -MAHILA PS District- JAMUI

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1. Sri Nath Singh @ Shrinath Singh son of Sri Bageshwari Prasad Singh,
resident of village and P.O. Ratanpur, P.S. Gidhaur, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari, wife of Sri Nath Singh and daughter of Sri Nirmal
Kumar Singh, presently residing of village Minarang, P.O. and District
Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash

For the Opposite Party/s : Mr. Manish Kumar No.2(App)

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

ORAL ORDER

3 25-06-2015 Heard learned counsel for the petitioner, learned
counsel representing the State and learned counsel for the opposite
party no. 2.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 28 of 2014 registered for the offences
punishable under Sections 498A, 307, 504, 379 and 323 of the
Indian Penal Code and Sections 3 / 4 of Dowry Prohibition Act.

Allegedly, the petitioner being the husband started
torturing the informant due to non-fulfillment of dowry demand by
way of T.V., Freez, motorcycle and further her ornaments and
cash were also snatched away, when she became pregnant, the



petitioner started compelling her for abortion and even the petitioner attempted to kill her by pressing her neck. However, she gave birth to a son in her Naihar but the petitioner and other in-laws did not come to see the child and again on 11.04.2014 the petitioner went to her Naihar and demanded dowry and on refusal he assaulted the informant and threw the child on the ground and further abused and assaulted her parents.

Submission is of false implication and that the petitioner is always ready to keep the informant and the child but the informant / complainant at the instance of parents does not want to live with him as they want to keep the petitioner as Gharjamai. The petitioner has filed matrimonial case for restitution of conjugal rights but wife is not ready to live with him and, as such, the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel appearing on behalf of opposite party no. 2 opposes by submitting that the petitioner never approached the informant to keep her and he has refused to keep her due to non-fulfillment of demand of dowry. Learned Sessions Judge has also tried his best but there also conciliation failed.

Considering the allegation against the petitioner, 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 for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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