

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38849 of 2014

Arising Out of PS.Case No. -274 Year- 2014 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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1. Rohan S/o Mohan Prasad Sinha Resident of Dharahra House, Kalambagh Road, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anusha Kumari D/o Sri Arvind Kumar C/o Sriram Hardware, Khadi Bhandar Chowk, Kanhauli, P.S. Muzaffarpur Town, District Muzaffarpur, presently residing at Village Rajwara, P.S. Musahari, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Satyavarta Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioner as well as learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 406, 420, 498 (A) and 120 (B) of the I.P.C and section 3 of the Dowry Prohibition Act.

Allegedly, the petitioner being husband of the informant tortured her in various ways. Her golden ornaments and Rs. 2,00,000/- were taken away by the petitioner on the pretext of purchasing a house in Chandigarh and then he will take her to Chandigarh, but from the newspaper the informant came to know

regarding filing of a divorce case by her husband then she filed this case.

Submission is that after filing of divorce case by the petitioner the informant has lodged this false case. The petitioner has taken the plea of adultery and had prayed for D.N.A. test which has been allowed. The informant has given birth of a male child though there was no physical relationship with the petitioner and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that against the petitioner there is direct allegation to commit torture for not fulfilling more dowry.

In the facts and circumstances as stated above, considering that in the divorce case petitioner has taken plea of adultery and as such there being no scope for reconciliation and as in this case there is direct allegation against the petitioner for torturing the informant for taking more dowry and as such this Court is not persuaded to grant pre-arrest bail to the petitioner. Accordingly, prayer for pre-arrest bail of the petitioner stands rejected in connection with Kaji Mohammadpur P.S. Case No. 274 of 2014 pending in the court of A.C.J.M. Muzaffarpur.

However, in case and if so advised the petitioner

surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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