

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 9036 of 2016**

Arising Out of PS.Case No. -112 Year- 2015 Thana -MAHILA PS District- JAMUI

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Subhas Yadav @ Braj Kishore Prasad Resident of Village - Pachashwari  
(Numar), P.S. - Barahat, Distrkict - Jamui.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Laxmi Devi, W/o Sri Subhas Yadav, R/o Village - Pachshwari (Numar),  
P.S. - Barahat, District - Jamui. At present residing at Village - Chapari,  
Agahara, P.O. + P.S. - Sono, District - Jamui.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. T.N.Thakur (App)

Mr. Arun Prasad Keshri

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

5. 29-11-2016 Heard Sri Prakash Mahto, learned counsel for the  
petitioner, learned Addl. Public Prosecutor as well as Sri Arun  
Prasad Keshri, learned counsel, who has appeared on behalf of  
informant/opposite party no. 2.

The petitioner, husband of informant/opposite party  
no. 2, has approached this Court for grant of anticipatory bail in  
Jamui Mahila P.S. Case No. 112 of 2015 registered for offence  
under Sections 323, 341, 498(A), 307/34 of the Indian Penal Code  
and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

Learned counsel for the petitioner submits that though  
in the F.I.R., allegation was made that petitioner has solemnized

second marriage, but F.I.R. was not registered under Section 494 of the Indian Penal Code. He further submits that the wife of the petitioner started voluntarily residing at her parents' house and thereafter, false case has been instituted.

However, learned Addl. Public Prosecutor as well as learned counsel for informant/opposite party no. 2, opposing the prayer for grant of anticipatory bail, submit that during investigation, it has been established that petitioner has already solemnized second marriage and this fact was found true. Besides, there is allegation of mental and physical torture regarding demand of dowry.

Keeping in view the fact that petitioner is husband and there is allegation that he has solemnized second marriage, there is no point to extend the privilege of anticipatory bail.

The petition stands dismissed.

In view of dismissal of this petition, interim order of stay dated 23-02-2016 stands vacated.

**(Rakesh Kumar, J.)**

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