

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49234 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Ajit Pathak, Son of Sri Birendra Pathak, Resident of Village - Chandrapura,
P.S. Brahampur, in the district of Buxar. Petitioner

Versus

1. The State of Bihar
2. Anita Devi Wife of Ajit Pathak Presently residing in Mohalla Bihari Mill,
Station Raod, P.S. Ara, Nawada in the district of Bhojpur ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate
With Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s :Mr. Satyaverat Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

11 23-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Mahila P.S. Case No. 165 of 2014, disclosing offences under
Sections 341,323, 498A, 354,504, 376 and 511of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of opposite party no. 2.

Mr. Akhileshwar Prasad Singh, learned Senior Counsel,
appearing on behalf of the petitioner has drawn my attention to a
copy of an ex-parte decree passed by the Court of learned 1st
Additional District Judge, Serirampur, whereby the marriage of
the petitioner with opposite party no. 2 is said to have been
dissolved. The ex-parte decree was prepared on 07.01.2014 on the

basis of judgment and order dated 21.12.2013.

Upon perusal of the decree, I find that address of opposite party no. 2 in the decree has been described to be the same as that of the petitioner in Hugli (West Bengal), whereas in the present application, her address has been described as “Mohalla Bihari Mill, Station Road, Ara, Nawada”.

Learned counsel appearing on behalf of opposite party no. 2 has submitted that opposite party no. 2 did not have any knowledge about institution of matrimonial suit at Hugli, at any point of time, before passing of the alleged decree.

Considering the conduct of the petitioner, I am not inclined to allow this application for anticipatory bail.

This application stands dismissed.

The petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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