

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17923 of 2015

Arising Out of PS.Case No. -530 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

Vishal Anand S/o Sri Kavindra Mishra R/o Mohallla - Surkhikal , P.S.-
Barari, District- Bhagalpur (Husband of the informant).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 18-05-2016

Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the informant/opposite party No. 2

as well as learned Additional Public Prosecutor for the State.

A supplementary affidavit has also been filed in this Court
today. Let the same be kept on record.

The petitioner apprehends his arrest in connection with
Kotwali (Barari) P.S. Case No. 530 of 2014 registered for the
offences punishable under Sections 341/323/498-A/506/34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner as well as the informant/opposite party
No. 2 are present in person. I have personally interacted with both
the parties. The petitioner is wholly recalcitrant and is determined
not to stay with his wife, the informant/opposite party No. 2.
Earlier, a statement was made in this Court by the petitioner that
he was willing and ready to live with his wife with all honour and
dignity. Admittedly, this Court was misled by such statement to

extend order granting interim protection to the petitioner. Therefore, the earlier submission made by the petitioner was nothing but a falsity. Such conduct of the petitioner is fit to be deprecated.

Even as on date, the informant/opposite party No. 2 is desperate to make re-conciliation with her husband but it appears that the same is not possible as the petitioner has already filed a case for dissolution of the marriage.

Considering the approach of the petitioner and that he has proceeded too make false statement before this Court and he is also willing for one time settlement, the petitioner may approach the Court below for such negotiations between the parties. However, in the facts and circumstances of the case, I am not inclined to grant anticipatory bail to this petitioner. It is accordingly rejected.

It is however, directed that if the petitioner appears in the Court below within a period of four weeks, his prayer for bail shall be considered on its own merit without being prejudiced by this Court's order, provided he makes some bona fide offer for one time settlement, which upon consideration by the informant/opposite party No. 2, will be decided by the Court below.

(Anjana Mishra, J)

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