

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34726 of 2016

Arising Out of PS.Case No. -317 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Dashrath Pasi @ Dashrath Chaudhary Son of Bhikhari Chaudhary R/o
village - Karserua, P.S. Darigaon, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Deep Narayan Chaudhary @ Deepan
Chaudhary son of late Puran Chaudhary, R/o Alamganj, P.S. Sasaram
Town, District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh. Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 09-11-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint case No.317 of 2013 (Trial No.1788 of 2014), in which
cognizance was taken under Section 34 of the Dowry Prohibition
Act and accordingly summons were ordered to be issued against
the petitioner and others.

The complaint petition goes to show that Complainant
arranged marriage of his daughter with son of the petitioner but
subsequently, petitioner and other accused demanded more dowry
and refused to get marriage ceremony solemnize.

It is obvious from perusal of the record that initially,
summonses have been issued against the petitioner and other

accused and after that when petitioner failed to appear before the Trial Court, perhaps, warrant of arrest was issued against him.

Learned Additional Public Prosecutor appearing for the State points out that a Bench of this Court has already held in a case that mere issuance of summon in Complaint Case does not give jurisdiction to this Court to entertain petition under Section 438 of the Cr.P.C. because the accused does not have apprehension of arrest only on the basis of issuance of summons.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition in connection with Complaint case No.317 of 2013 (Trial No.1788 of 2014) pending in the court of S.D.J.M., Sasaram stands disposed of giving liberty to the petitioner to surrender before the court below and seek regular bail. It is made clear that if petitioner does so within six weeks from the date of receipt of this order to the concerned court and seek regular bail, the concerned court shall pass appropriate order on the regular bail application of the petitioner taking into account the facts of the case without being prejudiced by the order of this Court.

(Hemant Kumar Srivastava, J)

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