

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37148 of 2015

Arising Out of PS.Case No. -233 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Shripati Pathak S/o Parashuramjee Pathak R/o Village- Niyazipur, P.S.-
Simri, District- Buxar, At Present Residing at Civil Lines, Buxar, P.S.-
Buxar Town, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari W/o Shripati Pathak, D/o Awadhesh Kumar Pandey R/o
Shri Krishna Nagar Colony, Charitrava Buxar, P.S.- Buxar, Town, District-
Buxar, At Present Residence of 405, Sumitra Enclave Apartment, Indira
Nagar, Road No. 4A behind F Sector, P.S. Kankarbagh, District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate
For the Informant : Mr. Rama Kant Sharma, Sr. Advocate &
Mr. Sanjeev Shrivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

9 28-04-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner was married with the daughter of



the informant on 03.07.2014, but immediately after marriage demand of dowry of a flat at Patna was made and after not fulfillment of dowry demand torture was inflicted. Though, at the time of marriage Rs.15,00,000/- was transferred through account of the informant to the petitioner's side. Ultimately both petitioner and daughter of the informant filed a Matrimonial Suit No. 219 of 2014 under Section 13B of the Hindu Marriage Act with prayer for dissolution of marriage with consent, thereafter the present case was lodged on 07.04.2015. The matter is being adjourned time and again since 18.08.2015. The petitioner and daughter of the informant appeared several times. The petitioner mislead this Court by repeatedly assuring the Court that he is going to obtain a consent divorce decree, but on the contrary he went on contesting the Matrimonial Suit by producing the witnesses and thereby this Court was mislead for several months. The daughter of the informant on very first appearance before this court very fairly stated that she does not want even single penny from the petitioner as she is deeply hurt due to the torture inflicted and the conduct of the petitioner hence she is not ready to reside with him. The matter was adjourned for eight months but the petitioner did not allow the Matrimonial Suit to conclude. Though it was argued by the counsel for the informant that petitioner is adamant not to allow the

matrimonial suit to conclude and thereby harassing the informant. This Court is of the view that the petitioner is deliberately harassing the informant.

Under the circumstances discussed above, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail application stands dismissed.

Let, the trial be expedited.

(Dinesh Kumar Singh, J)

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