

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3553 of 2017

Arising Out of PS.Case No. -184 Year- 2016 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Amrendra Kumar, S/o Chandramohan Ram @ Chandramohan Paswan, R/o
Village-Barki Delha, P.O.+P.S.-Delha, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.

2. Arti Devi, D/o Ram Vinay Paswan, R/o Village- Bilaru, P.O.- Teyap,
P.S.- Upahara, District- Aurangabad(Bihar).

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner seeks anticipatory bail in a case
instituted for the offence under section 498A of the Indian Penal
Code.

It is admitted position that the petitioner had filed
divorce suit against his wife. The instant case has been filed by
the wife of the petitioner leveling allegation that he committed
physical and mental torture for demand of dowry and ousted her
from his house.

From the complaint petition, it appears that the
petitioner has solemnized marriage with his wife in the year 2011
and out of their wedlock, one daughter was born, aged about 3
years.



In this manner, the petitioner is not ready to keep his wife. He has already filed divorce suit. Therefore, this court finds that it is not a fit case for grant of anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected in connection with Complaint Case No. 184 of 2016, pending in the court of Sri K.K. Shukla, J.M.1st Class, Daudnagar, Aurangabad (Bihar).

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail which shall be disposed of in accordance with law without being prejudiced by this order.

It has further been submitted on behalf of the petitioner that notice may kindly be issued to the wife of the petitioner so that the matter may be pacified

In this context, I observe that if the petitioner intends to keep his wife, he will file necessary petition in the court below at the time of surrender and in that event the court below finds that petitioner wants to keep the wife and surrenders with wife, the court below will dispose of the said petition on same day in accordance with law.

(Sanjay Priya, J)

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