

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14855 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

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Pankaj Kumar Yadav @ Pankaj Kumar S/o Pawan Yadav Residence of
Mohalla/Village- Usrahi Supaul, P.S.- Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi D/o- Shri Jugeshwar Yadav Resident of Mohalla/Village-
Usrahi Supaul, P.S.- Ghanshyampur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the State : Mr. Sri Dashrath Mehta, APP
For the informant : Mr. Girish Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-05-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Ghanshyampur P.S. Case No. 112 of 2016, registered for offences punishable under Sections 323, 341, 307, 328, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The case is under Section 498A of the Indian Penal Code and the allegation is of cruelty and demand of dowry against the petitioner

It has been submitted on behalf of the petitioner that no such marriage of the petitioner was solemnized with the opposite party No. 2 and even, according to the FIR, there is no allegation against the petitioner of either demand or administering poison to opposite party No. 2. Even the Doctor's report does not support the aforesaid allegation and the petitioner has been made accused in this case only to pressurize the other family members to



accept the marriage.

Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail stating that there are statements of the witnesses during the course of investigation which support the prosecution case and apart from that the opposite Party No. 2 has photographs of the marriage solemnized between the parties.

Considering the aforesaid aspect of the matter and also considering the fact that the petitioner is not accepting the marriage itself, I am not inclined to grant anticipatory bail to the petitioner, rather the petitioner should surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

The application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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