

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19261 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -CHAKAND District- GAYA

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1. Md. Lal Babu @ Lall Babu, son of Veeku Shah, resident of village -
Kasma, P.S. - Chakand, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Khatoon, wife of Lal Babu, resident of village - Kasma, P.S. -
Chakand, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, APP
Mr. Atal Bihari Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 29-08-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Chakand P.S.

Case No.05 of 2017 instituted for the offence under Section(s)

498-A, 494/34 Indian Penal Code pending in the Court of the

Chief Judicial Magistrate, Gaya.

Both husband and wife are present in Chambers
today.

Petitioner-husband has stated that he is ready to
keep the wife with him at his place of work at Aurangabad.

The wife-Opposite Party No.2 has stated that she
does not want to live with him at Aurangabad. She wants to live
with him at his native place in Chakand, Gaya, for which the



petitioner-husband is not ready. Wife-Opposite Party No.2 has also stated that petitioner is keeping her child forcefully since more than one year, for which separate case has been filed for custody of the child.

It is admitted position that the petitioner-husband has performed second marriage and keeping his second wife with him in Aurangabad. As such, there is genuine fear on the part of the wife-Opposite Party No.2 that she will be tortured physically and mentally if she goes to live with the petitioner at Aurangabad. Petitioner-husband is not ready to keep her at his native place at Chakand, Gaya.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off by the Court below in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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