

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12835 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -IMAMGANJ District- GAYA

Ram Naresh Sharma @ Naresh Thakur, S/o Sri Laxmi Thakur, Resident of Village - Gewal Ganj Tola, Bigha, P.S. - Imamganj, District - Gaya (Bihar).

.... Petitioner

Versus

1. The State of Bihar.
2. Lakho Devi, D/o Sri Bijay Shankar, Resident of Mohalla - Gewal Ganj Tola Babhandih, P.S. - Imamganj, District - Gaya (Bihar) Presently resident of Village - Gopalpur, P.O. - Gopalpur, P.S. - Sherghati, District - Gaya.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dudheshwar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 25-04-2017 Heard leaned counsel for the petitioner and the
leaned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Imamganj P.S. Case No. 33 of 2016, registered under Sections 498(A), 34 of the Indian Penal Code and Section 3 of Dowry Prohibition Act, pending in the court of the SDJM, Sherghati, Gaya.

The accusation is of torturing of the complainant by her husband and other in-laws due to non-fulfillment of demand of dowry and also drove out from her matrimonial house.

Learned counsel for the petitioner submits that, in fact, the petitioner is the husband of the informant Sweta Devi @ Lakho Devi and he has filed Matrimonial Suit No. 207 of 2015 in



the Court of Principal Judge, Family Court, Gaya under Section 13 of the Hindu Marriage Act for divorce on 10.08.2015. Thereafter, the present case i.e. Imamganj P.S. Case No. 33 of 2016 is instituted by the wife of the petitioner on 16.03.2016 against the petitioner.

The learned A.P.P. appearing on behalf of the State opposed the prayer of anticipatory bail of the petitioner with submission that Imamganj P.S. Case No. 33 of 2016 was instituted on the basis of complaint petition No. 353 of 2015 filed by the informant Lakho Devi on 09.06.2015 in the Court of SDJM, Sherghati, Gaya. Thereafter, the petitioner filed the Matrimonial Suit No. 207 of 2015 on 10.08.2015.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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