

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5385 of 2017

Arising Out of PS.Case No. -3771 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Awdhesh Yadav @ Awdhesh Kumar Yadav, Son of Raghunath Yadav, resident of Village- Uphrail near Power Grid, P.S.- Maranga (K. Hat), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deji Bharti @ Bharti Devi, wife of Awdhesh Yadav @ Awdhesh Kumar Yadav, Daughter of Bansidhar Yadav, resident of Mahrajganj, P.S.- Banmankhi, District- Purnea, at present residing at Village- Uphrail near Power Grid, P.S.- Maranga (k. Hat), District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh

For the Opposite Party/s : Mr. Madhura Nand Jha, APP 102

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 04-04-2017 Heard learned counsel for the petitioner, and the learned counsel representing the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 3771 of 2013 for the offence punishable under Section 498 (A) of the Indian Penal Code.

Deji Bharti, the complainant was married to the petitioner and, thereafter, demand of motorcycle was made and due to non-fulfillment of demand, the complainant was physically and mentally tortured, however, she gave birth of two sons and, thereafter, torture has developed. On 01.11.2013 all the accused



persons including the petitioner assaulted the complainant brutally and after keeping her two sons, ousted her from the matrimonial house, and thereafter, the complainant came to her *Naihar* and narrated the whole incident, resulting into filing of the complaint case.

Submission is of false implication and that the petitioner is being tortured by his wife regarding which the petitioner has filed informatory petition. The allegations made in the complaint petition are false and concocted. No demand was ever made from the complainant and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering the allegations attributed against the petitioner, I am not inclined to grant privilege of pre-arrest to him and accordingly, his such prayer stands rejected in connection with Complaint Case No. 3771 of 2013 pending in the Court of learned S.D.J.M., Purnea.

(Jitendra Mohan Sharma, J)

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