

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49957 of 2016

Arising Out of PS.Case No. -119 Year- 2016 Thana -SARAI District- VAISHALI(HAJIPUR)

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Shiv Kumar, Son of Bateshwar Prasad Sah, resident of village - Purani Bazar, Sarai, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari, D/o Sri Dilip Kumar Sah, Resident of village - Rajla, P.O. Rajla, P.S. Kurahani, District Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

8 16-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sarai P.S. Case No. 119 of 2016, registered under Section 498 'A'/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, pending in the court of Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur.

The accusation is of torturing the informant-opposite party no. 2 by her husband and in-laws due to non-fulfillment of demand of dowry and also to remove from her matrimonial house along with her child.

Learned counsel for the petitioner submits petitioner



is ready to keep his wife-opposite party no. 2 with full dignity and honour.

On the other hand, learned counsel for the informant-opposite party no. 2 submits that while the matter was referred to the Mediation and Conciliation Centre, Patna High Court, Patna but due to none cooperation of the petitioner, matter could not be settled. In fact, informant-opposite party no. 2 is still ready to live with her husband-opposite party no. 2. Further submission is that petitioner has lodged a criminal case against the parents and brother of informant-opposite party no. 2.

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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