

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49225 of 2016

Arising Out of PS.Case No. -244 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Anoop Kumar @ Anup Kumar son of Ajay Kumar Sharma Resident of
Village- Shankardih, P.S.- Parwalpur, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumarin Chunchun wife of Anoop Kumar, Daughter Dinesh Kumar Singh At present resident of Mohalla- Manpur, Near Jagjivan College, P.S.- Moffassil, Dist- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 10-05-2017 Heard Mr. Ramakant Sharma in support of the present application for grant of anticipatory bail to the petitioner who is the husband as well as Mr. Rajesh Kumar Sharma who has appeared on behalf of opposite party no.2 (wife).

Within one year of marriage, the opposite party no.2 had to rush to the police station to file a criminal case against the in-laws including the husband which was registered under sections 498/34 IPC. The FIR depicts a pathetic tale of the lady. The allegation is that on account of non-fulfilment of demand of dowry the husband and other family members tortured/persecuted her at different places.



When the present application was first considered, it was stated on behalf of the petitioner that there is chance of resolution of the matrimonial discord between the parties. Considering the said stand taken by the petitioner, the matter was referred to the Mediation Centre of the Patna High Court for resolution of the dispute and in the meantime an interim protection was granted to the petitioner. The report of the Mediator placed at Flag-B shows that it failed.

Learned counsel for the petitioner submits that prior to lodging of the present case, the husband (petitioner) had filed a divorce petition before the family court on 03.06.2016 which was again presented on 16.06.2016. He further submits that both parties have reached the stage of no return.

Learned counsel for the informant, on the other hand, referring to the statements made in the counter affidavit, has contended that in the meanwhile the informant has approached the appropriate authority under the Protection of Women from Domestic Violence Act wherein an order has been passed in her favour which has been violated not only by the petitioner but his parents as well.

Mr. Sharma, however, states that an appeal has been filed thereagainst by the petitioner. He further states that the



petitioner is ready and willing to pay the amount of alimony to be fixed by the Court.

Be that as it may, considering the facts and circumstances of the case indicated above and also looking to the nature of allegation attributed against the petitioner, this Court is not satisfied that a case for grant of anticipatory bail is made out.

Prayer is accordingly rejected.

(Kishore Kumar Mandal, J)

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