

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45385 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

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Mukesh Pandey son of Rajeshwar Pandey resident of Power House Road,
Raj Nagar Road No.3, Chutiya, P.S. Chutiya, District- Ranchi, Jharkhand.

.... Petitioner/s

Versus

1. State of Bihar
2. Kumari Bandana Rani W/o Mukesh Pandey resident of Power House
Raod, Raj Nagar Road No.3, Chutiya, P.S. Chutiya, District- Ranchi,
Jharkhand. At present Address D/o Upendra Nath Pandey, Resident of
Village- Nirala, P.S. Salimpur, District- Patna (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 26-07-2017 Heard Sri Arvind Kumar, learned counsel for the
petitioner. None appeared either on behalf of State or
complainant/opposite party no. 2, whereas, the
complainant/opposite party no. 2 has already entered appearance
through her counsel. In the last week also, there was non-
appearance on behalf of opposite party no. 2.

The petitioner, husband of opposite party no. 2, has
prayed for grant of bail in the event of his arrest or surrender in
Complaint Case No. 13(C) of 2015 for offence under Sections
498(A), 120(B)/34 of the Indian Penal Code and Sections 3 & 4 of
the Dowry Prohibition Act, 1961.



It was submitted by learned counsel for the petitioner that earlier petitioner, due to the reason that wife/opposite party no. 2 had left him, had filed a case for restitution of conjugal right, vide M.T.S. No. 191 of 2012 in the court of Principal Judge, Family Court, Ranchi and thereafter, one another matrimonial case was filed, vide M.T.S. No. 86 of 2015 for dissolution of marriage. He submits that intentionally, the petitioner is being harassed by the opposite party no. 2.

By order dated 28-09-2015, a Bench of this Court (Hon'ble Mr. Justice Dinesh Kumar Singh) had noticed this fact and thereafter, directed to issue notice to opposite party no. 2. In the meanwhile, it was directed not to take any coercive step against the petitioner in connection with Complaint Case No. 13(C) of 2015. However, subsequently on 30-11-2016, the present petition stood dismissed due to non-prosecution, which was subsequently restored.

In this case, complainant had already appeared through her Advocate, but repeatedly, on call, none appeared on her behalf.

Considering the fact that from the petitioner's side, earlier step was taken for restitution of conjugal right as well as the fact that the said case was filed prior to filing of the present



complaint case, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Mukesh Pandey be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna in connection with Complaint Case No. 13(C) of 2015, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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