

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51546 of 2016

Arising Out of PS.Case No. -195 Year- 2016 Thana -BANIAPUR District- SARAN

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1. Deepak Sah @ Dipak Sah Son of Rupchand Sah resident of Village - Chetan Chapra, P.O. Puchhri, P.S. - Baniapur, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi @ Mamta Das resident of mohalla & P.O. Krishna Nagar, P.S. Kotwali, Distt. Nadiya, West Bengal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 20-06-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Baniyapur Police Station Case No. 195 of 2016, disclosing offences under Sections 341, 323, 379, 498(A) of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against this petitioner and no specific overt act is attributed to him. In fact, the informant happens to be a dancer in a orchestra party and the petitioner happens to be a co-actor in the said party but the informant was never married with the petitioner. On account of



realization of money, the petitioner has falsely been implicated in this case. Moreover, co-accused, Rupchand Sah and Lalmati Devi, who happen to be parent of the petitioner, have already been granted bail by the learned lower court. Hence, the petitioner deserves the privilege of anticipatory bail.

Learned counsel for the O.P. No.2 has opposed the prayer for bail and submitted that the witnesses have supported the prosecution case and they have stated that the marriage was solemnized between the petitioner and the informant and they have been blessed with a female child also. The petitioner has tortured the informant and ousted from her matrimonial house. Moreover, mediation between the parties could not be succeeded.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is, hereby, rejected.

(Arvind Srivastava, J)

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