

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38258 of 2016

Arising Out of PS.Case No. -327 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Amit Kumar S/o Abhay Kumar @ Ghuran Mahto Resident of Village-
Simari, P.S.- Bidyapati Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Kanchan Mala W/o Amit Kumar, D/o Sudhir Kumar Nirala
residing at Village Damodarpur, Post- Surauli, P.S.- Bibhutipur,
District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Mr. Binod Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

9 28-06-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 327
of 2015 for the offences punishable under section 498 (A) of the
I.P.C and section 34 of the Dowry Prohibition Act.

The complainant was married to the petitioner on
14.06.2015 and thereafter the petitioner and other in-laws started
torturing and assaulting her for non fulfillment of demand of
dowry by way of motorcycle and freeze and ultimately ousted her
after assaulting her on 05.07.2015 after snatching all her articles



and ornaments.

Submission is of false implication and that nothing has been demanded by the petitioner or any one, the petitioner is a law abiding citizen, there is no specific allegation against the petitioner, as a matter of fact the complainant is not medically fit for the conjugal life and after concealing this fact marriage was solemnized and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that now there is medical report that the complainant is medically fit and therefore with wrong allegation the petitioner is making defence and as such the petitioner, being husband, does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Dalsingsarai, District- Samastipur.

(Jitendra Mohan Sharma, J)

Abhay/-

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