

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1986 of 2017

Arising Out of PS.Case No. -578 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Krishna Sah @ Krishna Kumar, son of Yogendra Sah alias Jogindar Sah,
resident of Village- Semara Bazar (Vijaynagar), Police Station- Semara
(Bagaha), District- West Champaran (Bettiah).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi, wife of Krishna Sah @ Krishna Kumar, Daughter of Late
Surendra Sah, Resident of Village- Sabuni Chauk, Turaha Tola, Police
Station- Ramnagar, District- West Champaran (Bettiah).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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

ORAL ORDER

5 13-04-2017 Heard the learned counsel for the petitioner, the

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

opposite party no.2.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 578
of 2011/Trial No. 2039 of 2015 for the offences punishable under
sections 323 and 498 (A) of the I.P.C.

The complainant was married to the petitioner three
years ago and due to non fulfillment of Rs. 50,000/- by way of
dowry she was being tortured and assaulted by the petitioner and
other in-laws and ultimately they ousted her from the in-laws



house resulting she is living with her parent.

Submission is of false implication and that the complainant has performed marriage with Dharmdeo Sah and the petitioner has also performed marriage and both are living separately having no concern with each other, Dharmdeo Sah has filed a case for restitution of the conjugal right, whereas, the complainant has filed maintenance case against Dharmdeo Sah and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the opposite party no.2, on the other hand, submits that the opposite party no.2 has not performed marriage with any one, she is totally depended upon the petitioner but, as submitted, the petitioner has performed second marriage, the petitioner has filed divorce case also after filing of the complaint case and the petitioner is treating the complainant with cruelty, the complainant has not filed any maintenance case and all the activities, if any, that is creation of the petitioner to defame her. Dharmadeo Sah is none else but own relative of the petitioner.

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. Bagaha,
West Champaran (Bettiah).

(Jitendra Mohan Sharma, J)

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