

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5500 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Premchandra Ram, Son of Bhola Ram, resident of Village- Jinwalia
Police Station- Sirisiya O.P. (Chanpatia), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Malti Devi, Wife of Premchandra Ram, Daughter of Bhikhari Ram,
resident of Village- Jinwalia, Police Station- Sirisiya O.P. (Chanpatia),
District- West Champaran, at present resident of Village Sariswa Bazar,
Police Station- Majhauria, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-04-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner, who is the husband of the informant,
apprehends his arrest in connection with Chanpatia (Sirisiya O.P.)
P. S. Case No. 128 of 2016 registered for offence punishable
under Section 498A of the Indian Penal Code.

The allegation is of committing torture with the informant
due to non fulfillment of the demand of dowry. The two child was
born after the marriage.

It has been submitted on behalf of the petitioner that the
husband (petitioner) has already filed a Matrimonial case No.



312 of 2016 before the Court of the learned Principal Judge, Family Court, Bettiah, District- West Champaran for restitution of conjugal right. The Sessions Judge has mentioned in the impugned order that petitioner did not appear in the lower Court although informant was ready to live with her husband. There is specific allegation of overt act against the petitioner.

In view of such, the prayer for anticipatory bail of petitioner is rejected.

The petitioner may surrender before the Court below within six weeks from today and make prayer for regular bail, which will be considered in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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