

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26182 of 2017

Arising Out of Complaint Case No. -117 C Year- 2016 Thana -PATNA COMPLAINT CASE
District- PATNA

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Pradeep Pandey @ Pradeep Kumar Pandey, S/o Late Parshuram Pandey, resident of village- Rampur, P.S.- Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Devi, D/o Amrendra Tiwary, resident of Village- Tiwarychak, P.S.- Naubatpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party No. 2	:	Mr. Ajay Kumar and Mr. Manoj Prabhakar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no. 2,
who has *suo motu* appeared.

2. The petitioner apprehends arrest in Complaint
Case No. 117 (C) of 2016 instituted under Sections 498A of the
Indian Penal Code.

3. The allegation against the petitioner is of demand
of dowry, maltreatment and assault and that the torture became
worse after the opposite party no. 2 gave birth to a female child.
Further, the allegation is very specific that he had married with
another lady whose name and father's name had been stated and also



the place where the petitioner and the said lady reside.

4. Learned counsel for the petitioner submitted that it was the complainant, who had deserted and that is why he filed Matrimonial Case No. 209 of 2012 before the Principal Judge, Family Court, Buxar under Section 9 of the Hindu Marriage Act for restitution of conjugal rights but later on the same was withdrawn on 07.01.2016 on the premise that the opposite party no. 2 would come back to her matrimonial home but thereafter she has not come back and has instead filed the present complaint case.

5. Learned A.P.P. and learned counsel for the complainant submitted that the petitioner has been making false statements before every forum and Court and even before this Court he has not come clean as he has not denied the specific allegation of the complainant that he had married another lady and is living with her. It was submitted that thus the stand before the Court that he is ready to keep the opposite party no. 2 with him is totally frivolous, false and misleading as once he has married another woman and living with her, it cannot be expected that the opposite party no. 2, who also has a three year old girl child from the petitioner, would be kept with dignity, honour and security.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is



not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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