

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7957 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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Jitendra Pandey, S/o Sri Ramayan Pandey, resident of village - Belsand
Tiwaritola, P.S. Baarauli (Madhopur O.P.), District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar

2. Pratima Devi, W/o Jitendra Pandey, D/o Gautam Upadhyay, R/o Village -
Dumara, P.S. Jamo Bazar, District - Siwan

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
Mr. Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP-102

For the Informant : Mr. Ram Kishore Singh, Advocate
Mr. Rajnish Kumar Choubey, Advocate

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

ORAL ORDER

2 06-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner apprehends his arrest in connection with
Gopalganj Mahila P.S. Case No. 38 of 2016 registered for the
offences punishable under Sections 498A, 406, 497/34 of the
Indian Penal Code.

The informant was married to the petitioner on
07.07.2007 and at the time of marriage the accused persons
including the petitioner were demanding cash of Rs. 2,00,000/-
but any how the marriage was performed, thereafter, she was
being tortured for not giving dowry and later on the informant
came to know that the petitioner is married one and only to take



dowry he has performed the marriage with the informant and is torturing her, ultimately, the petitioner and others snatched all her clothes, ornaments, cash. Thereafter, the petitioner brought her at Patna and from Patna he fled away.

Submission is of false implication and that this case has been lodged on 29.09.2016 whereas the petitioner has already lodged Matrimonial Case No,. 294 of 2016/ 129 of 2016 in the Family Court, Gopalganj on 27.07.2016 itself seeking decree of divorce and further one Dayashankar Singh also filed a case bearing Complaint Case No. 3289 of 2016 against the informant and others and it goes to show that the informant has married with Dayashankar Singh and as such the petitioner deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioner is the husband and on making false allegation he has sought decree of divorce. Dayashankar Singh is the man of the petitioner and he has got filed that case in the name of Dayashankar Singh.

In the facts and circumstances stated above, considering the allegation of demand of dowry and further that the petitioner is the husband, I am not inclined to grant privilege of



pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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