

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5115 of 2017**

Arising Out of PS.Case No. -1647 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

Upendra Prasad, son of Sri Tejo Mahato, resident of Village- Brindaban,  
P.S.- Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Pratima Devi, daughter of Bharat Prasad, wife of Sri Upendra Prasad, resident of Village- Wilarpur, P.S.- Sirdala, Dist- Nawada. at present village- Ketra, P.S.- Fatehpur, Dist- Gaya.

....    .... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

## ORAL ORDER

[illegible]

The petitioner apprehends his arrest in connection with Complaint Case No. 1647 of 2015, registered under Section 498(A) of the Indian Penal Code, pending in the court of the A.C.J.M-10<sup>th</sup>, Gaya.

The accusation is of torturing of the complainant by her husband and other in-laws due to non-fulfillment of demand of dowry and to remove her from her matrimonial house and also to perform re-marriage by her husband.

Learned counsel for the petitioner submits that O.P. No. 2 has also filed Mahila P.S. Case No. 4 of 2016 for the



offence under Section 498(A), 323 and 494 of Indian Penal Code in which petitioner was allowed anticipatory bail.

On the other hand, learned counsel appearing on behalf of O.P.No.2 submits that earlier in Mahila P.S. Case No. 04 of 2016, the petitioner succeeded to get anticipatory bail by this Court vide Criminal Miscellaneous No. 10870 of 2016 on 03.03.2016 suppressing the facts about performing of his re-marriage with another lady and in that case, the Police has submitted Chargesheet under Section 494 of the Indian Penal Code also in which cognizance of the offence has also been taken.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner and also the fact that petitioner has performed his re-marriage, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

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