

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8018 of 2017

Arising Out of PS.Case No. -157 Year- 2016 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Santosh Yadav Son of Mithu Yadav Resident of Village- Bhairapur, P.O.-
Uchori, P.S.- Khanpur, District- Gajipur (U.P.)

.... Petitioner/s

Versus

1. State of Bihar
2. Sangita Devi Wife of Santosh Yadav Resident of Village- Bhairapur,
P.O.Uchori, P.S.- Khanpur, District- Gajipur(U.P.), at present Address-
resident of Village- Rohua, P.S.- Durgawti, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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

6 05-07-2017 Heard the learned counsel for the petitioner, the

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

Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 157
of 2016/ Trial No. 394 of 2016 for the offence punishable under
section 498 A of the I.P.C.

The complainant was married to the petitioner on
26.06.1996. Gauna (second marriage) was performed after seven
years and after the marriage the petitioner and other in-laws
started demanding motorcycle by way of the additional dowry and
due to non fulfillment they started torturing the complainant. The
petitioner and other in-laws used to assault in such a way that



there was abortion to the complainant and the petitioner is not ready to keep her.

Submission is of false implication and that there is no specific allegation against the petitioner, all the allegations are omnibus and general in nature, no demand was ever made and the complainant was never tortured but she out of her own will does not want to live in her in-laws house due to the reasons best known to her, the petitioner has filed matrimonial case for restitution of conjugal right and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is the husband and he is solely responsible for the acts.

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 C.J.M. Kaimur at Bhabua.

(Jitendra Mohan Sharma, J)

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