

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54880 of 2016

Arising Out of PS.Case No. -814 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Munshi Thakur, Son of Late Hargovind Thakur, Resident of Mohalla-
Badi Durga Sthan, Post office + Police Station- Mahgama, District- Godda
(Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rabina Devi Wife of Munshi Thakur Resident of Mohalla- Badi Durga
Sthan, Post Office + Police Station- Mahgama, District- Godda
(Jharkhand) at present daughter of Prem Prakash Thakur, Resident of
Mohalla- Naik Toli, Ward No. 2 Andar Town + Post Office- Police
Station- Rosera, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Gopesh Kumar

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

7 21-04-2017 Counter affidavit has been filed on behalf of the

opposite party no.2. Let it be kept on the record.

Heard the learned counsel for the petitioner, the
learned A.P.P. for the State as also the learned counsel for the
Complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with C.R. No. 814 of 2014/
T.R. No. 2075 of 2016 for the offences punishable under sections
498 (A), 323, 379 and 34 of the I.P.C and section 3 of the Dowry
Prohibition Act.



The complainant was married with the petitioner on 13.11.2009 in Manokamana Temple, Bhagalpur and after the marriage the complainant was living some time with the petitioner peacefully but thereafter the accused persons including the petitioner started demanding motorcycle and one colour T.V. by way of dowry and due to non fulfillment she was being tortured and assaulted and ultimately she was brutally assaulted and ousted from the in-laws house resulting the complainant is residing in her Maik.

Submission is of false implication and that the petitioner was/is always ready to keep the complainant as his wife but the complainant is not ready to live with the petitioner, the complaint petition has been filed with false allegation, there is no demand of dowry, the marriage was performed in a temple, nothing was taken or given at the time of marriage and all the allegations have been alleged falsely, against the petitioner there is no specific allegation and the specific allegation is against the Bhaipur and Gotni who have already been allowed bail and as such the petitioner also deserves sympathetic consideration.

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



he is responsible for all 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 A.C.J.M. Rosera, District- Samastipur.

(Jitendra Mohan Sharma, J)

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