

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54458 of 2016

Arising Out of PS.Case No. -805 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Ajay Yadav, son of Mahendra Yadav, Resident of Village- Bhatauria, P.S.
Madhusudanpur (Nath Nagar), District- Bhagalpur Petitioner

Versus

1. State of Bihar
 2. Shikha Devi, D/o Late Awdesh Yadav, wife of Ajay Yadav, Resident of
village- Kurpat, P.S. Sabour, District- Bhagalpur
- Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Parties : Mr. Jitendra Kumar Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 27-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Bhagalpur Complaint Case No. 805 of 2014, registered for
the offences punishable under Sections 498A, 323, 324, 504, 380
& 3/4 of Dowry Prohibition Act.

Allegedly, the petitioner being the husband of the
complainant started torturing and assaulting her for non-
fulfillment of demand of dowry by way of Rs. 50,000/- and lastly
ousted her from in-laws house after snatching all her ornaments
and articles. Out of wedlock there is a son aged 6 years, the
accused persons have also administered acid earlier.

Submission is of false implication and that the
complainant has filed maintenance case also whereas the
petitioner has filed a case under Section 9 of the Hindu Marriage



Act for restitution of conjugal right. The petitioner is ready to keep the complainant as his wife with all dignity and comfort, to which the learned counsel for the complainant opposes by submitting that the petitioner has performed second marriage and he is living with his second wife. The petitioner took several times to file supplementary affidavit in this regard but did not file supplementary affidavit which goes to show that the petitioner has performed second marriage.

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 to him and accordingly his such prayer stands rejected in connection with Bhagalpur Complaint Case No. 805 of 2014, pending in the Court of learned S.D.J.M., Bhagalpur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

