

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53752 of 2018

Arising Out of PS.Case No. -11 Year- 2014 Thana -MAHILA P.S. District- SARAN

=====

1. Pankaj Kumar, Son of Akhileshwar Kunwar, Resident of Village-Khajuri, P.S.- Mashrakh, District- Saran at present Rampur Noor Nagar, P.S.- Jalalpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi, D/o Madan Mohan Pandey, C/o Ram Naresh Singh, Resident of Rampur Noor Nagar, P.S.- Jalalpur, District- Chapra (Saran).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State.

The petitioner seeks renewal of his prayer for anticipatory bail in connection with Mahila P.S. Case No. 11 of 2014 for the offence punishable under Sections 113/301 /307 /322/328/347/349/448/498(A)/149 of the Indian Penal Code read with Section 34 of the Prevention of Dowry Act.

Learned counsel for the petitioner submits that in view of the fact that the now the decree of divorce is allowed, no cause survives under Sections as alleged in the Complaint Case and, therefore, the petitioner may be extended the privilege of pre-arrest bail.

The order which was passed earlier on 08.12.2015



was passed apparently after the parties had been called to the Chambers and the petitioner as well as the opposite party had been encouraged to stay together and on the said occasion, the petitioner has submitted that he was willing and ready to live with his partner, but during the course of further hearing, the petitioner proved to be recalcitrant and, accordingly, his prayer for anticipatory bail was rejected and the interim benefit extended in his favour was withdrawn. Almost three years have elapsed since the passage of the said order and the petitioner has not surrendered in the Court below. However, he now seeks further indulgence from this Court for grant of pre-arrest bail.

Considering the entire gamut of circumstances, I am not inclined to grant anticipatory bail to this petitioner

Not only on law but also on facts, the second prayer for bail is accordingly rejected.

(Anjana Mishra, J)

Saif/-

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

