

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35067 of 2016

Arising Out of PS. Case No.-35 Year-2015 Thana- MAHILA P.S. District- Muzaffarpur

Varun Rajs Upadhyay @ Varun Rajas Uppadhya son of Mukesh Kumar Upadhyay, Resident of Village- Ahiyapur, near Dharmkanta, Bara Jagannath Police Station- Ahiyapur, District- Muzaffarpur, at present student of S.P.I.T. Polytechnic Ciollege, Lalru Kanan, Chandigarh.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Rashmi, daughter of Bijay Kumar, Resident of Village- Shahi Minapur, Police Station- Aurai, District- Muzaffarpur, at present residing of Hanuman Nagar, Gannipur, Police Station- Kazi Mohammadpur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for anticipatory bail in connection with a case registered for the offences punishable under Section 498A of the I.P.C and Sections 3/4 of the Dowry Prohibition Act.

Though, the petitioner earlier preferred Criminal Miscellaneous No. 40100 of 2015, but the same was permitted to be withdrawn, when on notice, the opposite party no.2 appeared and expressed her willingness to resume the conjugal life, but the petitioner could not appear on two succeeding



occasions, whereupon, the prayer was made for withdrawal of the application.

The accusation is of torture for non-fulfillment of dowry demand.

However, learned counsel for the petitioner submits that the petitioner denies the factum of marriage.

This Court does not find any fresh ground for consideration of prayer for anticipatory bail. However, keeping in view the nature of accusation, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Mahila P.S. Case No.35 of 2015, pending before the learned SDJM (East), Muzaffarpur.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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