

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4205 of 2018

Arising Out of PS.Case No. -51 Year- 2014 Thana -MAHILA PS District- JEHANABAD

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Manoj Kumar Son of Sarju Prasad, Resident of Village-Ahiyasa, P.S. Ghoshi, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meena Kumari, Wife of Manoj Kumar, Daughter of Surendra Singh, Resident of Village-Daya Bigaha, P.S. Makhdumpur, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-02-2018

This case has wrongly been listed under the

heading 'for orders'. However, the matter is being heard today.

The petitioner, who is the husband of opposite party No. 2 seeks bail in anticipation of his arrest in connection with Jehanabad Mahila P.S. Case No. 51 of 2014 dated 04.09.2014 instituted for the offences under Sections 323, 341, 379, 498A, 504, 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

It appears that the prayer of the petitioner for grant of anticipatory bail was earlier rejected way back on 16.07.2015 passed in Cr. Misc. No. 5510 of 2015. Thereafter, the petitioner did not surrender to the process of law and kept absconding.

Learned counsel for the petitioner, however has



submitted that in the interregnum period, the petitioner had made sincere efforts to bring back the opposite party No. 2 to her matrimonial home but the opposite party No. 2 came to her matrimonial home only for a brief period and went back to her maternal home again. In the meantime, it has been submitted that the opposite party No. 2 delivered a baby also. Today, the petitioner is ready to bring back opposite party No. 2 and accord her all dignity and affection to which she is entitled.

However, considering the fact that after the rejection of the anticipatory bail in the year 2015, the petitioner has not yet surrendered to the process of law, I am not inclined to grant anticipatory bail again to the petitioner. In case the petitioner surrenders before the Court below and takes the same plea of exploring the possibility of settlement or keeping opposite party No. 2 in the matrimonial home, the Court below shall look into the matter and shall pass orders, in accordance with law.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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