

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28969 of 2017

Arising Out of PS.Case No. -778 Year- 2016 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. PREM SHANKAR @ PREM SHANKAR RAM, son of late Laxman Prasad, resident of village- Shahpur, P.S.- Shahpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suneeta Devi, W/o Prem Shankar @ Prem Shankar Ram, D/o Sonalal Ram, resident of village- Semri Dudhipatti, P.S.- Semri.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

Mr. Arun Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 31-01-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case No.778-C of 2016/Tr. No.2897 of 2016** instituted for the offence under Section(s) 498-A Indian Penal Code and Section 4 of the Dowry Prohibition Act pending in the Court of the **Sub-Divisional Judicial Magistrate, Buxar.**

Petitioner is husband of the Complainant. As per complaint, marriage of Opposite Party No.2 was performed with this petitioner on 27.05.2014. It is alleged in the Complaint Petition that the Complainant was kept properly for 6-7 months in her *Sasrual* and thereafter she was tortured for demand of



dowry. She gave birth to a female child out of the wedlock. The petitioner after birth of girl child again started making further demand of dowry and in spite of several request by the father of the Complainant, the petitioner did not bring her to *Sasural* after *Bidai*.

The matter was sent to Mediation Centre, Buxar, and the report of the Secretary, District Legal Services Authority, Buxar, has been received from which it appears that Opposite Party No.2 was ready and willing to live with the petitioner, but the petitioner never agreed on the plea that the Opposite Party No.2 always used to run away from the house.

Counsel for the petitioner has submitted that the petitioner has filed a Complaint Case against the Complainant on 20.10.2016, which was sent to P.S. under Section 156(3) Cr. P. C. for the offence under Section(s) 380/34 Indian Penal Code.

It is mentioned in the impugned order that the petitioner is not keeping the Complainant as well as the minor daughter born from the wedlock. The petitioner is working as Vikas Mitra. In this manner, from the conduct of the petitioner, it appears that just after six months of marriage the petitioner started torturing the Complainant. Petitioner has also filed a case against the Complainant after filing of the instant Complaint



Case, which is another torture committed by the petitioner with the wife.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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