

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3870 of 2019

Arising Out of PS. Case No.-1672 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Praveen Kumar @ Rajendra Paswan @ Rajendra Kumar, aged about 25 years,
Male, son of Banarashi Paswan, Resident of Village-Guda Kothi, P.S.
Sahebganj, District-Muzaffarpur ... Petitioner

Versus

1. The State of Bihar
2. Nitu Devi, wife of Parween Kumar @ Rajendra Paswan, daughter of Amrika Paswan, Resident of Village-Basanpur, P.S Mothihari Muffasil, District-East Champaran ... Opposite Parties

Appearance :

For the Petitioner : Mr. Bal Govind Sharma, Adv.
For the State : Mr. Sanjay Kumar Tiwary, APP
For OP No. 2 : Mr. Patanjali Rishi, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 20-08-2019

Heard learned counsel for the petitioner, the learned counsel appearing for complainant/opposite party no. 2 and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Complaint Case No. C-1672 of 2015 (Trial No. 1883 of 2017) pending in the Court of the Chief Judicial Magistrate, East Champaran at Motihari, for the offences alleged under Sections 323, 30A, 380, 406, 498A, 447 and 451 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is of torturing of complainant/opposite party no. 2 by her husband and in-laws due to non-fulfillment of demand of dowry and removing her from her matrimonial house snatching her personal belongings.

Learned counsel appearing for the petitioner submits that



while on the joint request, the matter was referred before the Patna High Court Mediation Center for settlement of the disputed between the petitioner and complainant/opposite party no. 2, who are husband and wife, but, the mediation could not succeed.

On the other hand, learned counsel appearing on behalf of complainant/opposite party no. 2 submits that while complainant/opposite party no. 2 expressed her desire to live with the petitioner, but, petitioner was not ready to keep her, which would appear from the report, dated 16.07.2019, of the Mediator of the Patna High Court Mediation Center.

Learned Additional Public Prosecutor for the State also opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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