

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12285 of 2019

Arising Out of PS. Case No.-499 Year-2018 Thana- BODHGAYA District- Gaya

SAMIR RAJ @ DEVANAND, aged about 23 years, Male, Son of Jagannath Yadav, Resident of Village and Post - Bhalua, Police Station- Bodh-Gaya, District – Gaya ... Petitioner

Versus

1. THE STATE OF BIHAR
2. Rupa Devi, aged about 23 years, Female, Wife of Samir Raj @ Devanand, Resident of Village and Post- Bhalua, Police Station- Bodh-Gaya, District- Gaya ... Opposite Parties

Appearance :

For the Petitioner : Mr. Manish Kumar No.2, Adv.
For the Opposite Parties : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 24-07-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bodh Gaya P.S. Case No. 499 of 2018, pending in the Court of the Chief Judicial Magistrate, Gaya, for the offences alleged under Sections 494, 498A and 34 of the Indian Penal Code.

The accusation is that marriage of the informant, Rupa Devi, was performed with the petitioner, but, behaviour of the petitioner was not good with the informant. In July, 2018, the informant came to know that her husband (petitioner) has love affairs with a girl, Aprajita Anal, and petitioner also kidnapped that girl, regarding which a case was lodged. On 17.08.2018 when the informant reached from her maika to sasural, then, came to know that petitioner has performed re-marriage with the said girl. Cause of occurrence is that



petitioner and his family members told the informant to ask her father to give three katha land situated at Bodh Gaya, but, parents of the informant were not ready.

Learned counsel appearing for the petitioner submits that on the joint prayer of the parties, the matter was referred to the Patna High Court Mediation Committee for settling the dispute where the informant showed her desire to live with the petitioner, but, the petitioner is not ready to keep her rather the petitioner has desired for one time settlement.

Learned Additional Public Prosecutor for the State 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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