

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14856 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAHUL KUMAR BHARTI, aged about 28 years, Male, Son of Shatrudhan Kumar Bharti, Resident of Village- Chilra, P.S.- Sonbarsha, District- Sitamarhi ... Petitioner

Versus

1. The State of Bihar
2. Rinku Devi, aged 22 years, Female, Wife of Rahul Kumar Bharti, Resident of Village- Chilra, P.S.- Sonbarsha, District- Sitamarhi, at present residing at D/o Achchhelaal Ram, Resident of Village- Malangwa, Thana- Malangwa, District- Sarlahi (Nepal)

... Opposite Parties

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Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.

For the Opposite Parties : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 25-06-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner seeks anticipatory bail in connection with Complaint Case No. C-1-81 of 2018 for the offence alleged under Sections 498A, 323, 379, 504 and 506 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is of torturing of the complainant/opposite party no. 2 by her husband for demand of dowry and non-fulfillment of demand of dowry and removing her, along with the baby aged about 2 years, from the matrimonial house.

The learned counsel for the petitioner submits that the



matter was referred to Patna High Court Mediation Center, but, the matter could not be settled.

The learned counsel for the complainant/opposite party no. 2 submits that the petitioner, who is the husband of complainant/opposite party no. 2, has performed re-marriage with another lady and from the wed-lock there is also an issue and due to that reason the petitioner was not inclined to keep the complainant/opposite party no. 2 with him and also not ready to settle the dispute in an amicable manner.

Having regard to the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the petitioner in connection with Complaint Case No. C-1-81 of 2018 pending in the Court of the Subdivisional Judicial Magistrate, Sitamarhi.

Accordingly, the prayer for pre-arrest bail is **rejected**.

However, the petitioner is directed to surrender before the Court below within a week and pray for regular bail, which shall be considered by the trial Court on its own merit.

(Rajendra Kumar Mishra, J)

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