

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15740 of 2019

Arising Out of PS. Case No.-454 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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PRASHANT KUMAR Son of Lalan Prasad Singh Resident of Village-
Lohan, Police Station - Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi Wife of Prashant Kumar Resident of Village- Lohan, Police
Station- Ariyari, District- Sheikhpura. At Present daughter of Rajendra
Singh, Resident of Village - Bhawnachak , Police Station - Saksohra and
District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 07-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 454 (C) of 2017, disclosing

offences under Section 498(A) of the Indian Penal Code and

Section 3 /4 of the Dowry Prohibition Act.

Allegation against the petitioner, who happens to be
husband of the complainant, is of subjecting the complainant to
torture with respect to demand of dowry.

Submission of learned counsel for the petitioner is
that he has married with complainant under duress, for which,
he has filed a case also and later just to take the revenge,
complainant has come with this false case. Further submission is



that after marriage, he has brought the girl to his house but as she used to assault the grandmother of the petitioner, he filed divorce case against the complainant and as such it is not possible for petitioner to keep her.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that in the case filed by the petitioner, complainant and others have already been acquitted and so far allegation that complainant used to assault grandmother of petitioner, no case has been filed. It has also been submitted that in the court below, stand of the petitioner was that he is ready to keep the complainant but before this court, he has come with different story.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

It is made clear, if the petitioner is ready to keep her with full honour and dignity, it will always be open to him to



approach the complainant and persuade her to reside with him
and appear before the court below while praying for regular bail,
which will be considered by the court below.

This application is, accordingly, dismissed with
above observation.

(Vinod Kumar Sinha, J)

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