

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.15480 of 2019

Arising Out of PS. Case No.-1866 Year-2017 Thana- SARAN COMPLAINT CASE District-Saran

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OM PRAKASH RAI, Son of Sri Kishore Rai, Resident of Village-Dumari, P.S.-Doriganj, District-Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anita Devi Wife of Om Prakash Rai, daughter of Pulish Rai, Resident of Village-Dumri, P.S.-Doriganj, District-Saran at present residing at Naraw Ke Tola, P.S.-Awatar Nagar, District-Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Bharat Bhushan (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 04-12-2019 Heard leaned counsel for the petitioner and the leaned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Saran Complaint Case No. 1866 of 2017, registered under Section 498(A), 376 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act, pending in the court of the learned S.D.J.M, Saran.

The accusation is of torturing of the complainant/O.P. No.2 by her husband and in-laws due to non-fulfillment of demand of dowry and removing her from matrimonial house along with her female child.

Learned counsel appearing on behalf of petitioner submits that on the joint prayer of the parties, the matter was referred to Mediation and Conciliation Centre, Patna High



Court, Patna, where the matter was settled in terms of the Memorandum of Agreement dated 12.07.2019, which is the part of the Mediator's report dated 12.07.2019, while as per agreement, O.P. No.2 was accompanied with the petitioner, but she left the matrimonial house.

On the other hand, learned counsel appearing on behalf of complainant/O.P. No.2 submits that while in terms of Memorandum of Agreement, complainant/O.P. No.2 was accompanied by the petitioner, but, later on, she was driven out from her matrimonial house and, thereafter, petitioner performed his remarriage. The complainant/O.P. No.2 along with her daughter is living at her Myaka.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. If the bail bond has been furnished on behalf of the petitioner in the light of order dated 13.03.2019, whereunder the petitioner was allowed provisional bail, in case of his arrest, is, hereby, cancelled.

(Rajendra Kumar Mishra, J)

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