

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15245 of 2019

Arising Out of PS. Case No.-1457 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Chandan Kumar Roy, S/o Late Ram Sharan Yadav, R/o Village-Manikpur,
P.S.- Kurtha, Distt. - Arwal. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Swati Kumari @ Vidya, W/o Chandan Kumar Roy, D/o Late Shankar
Yadav @ Baba, R/o Mohalla- Swarajpuri Road, Near Bank of Barauda, Post
- Railway Station, P.S.- Kotwali, Distt.- Gaya.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-05-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No.1457 of 2017, registered

for the offences under Sections 498(A) of the Indian Penal Code

and Section 3/4 of Dowry Prohibition Act.

Allegation as per the complaint petition is that in spite

of payment of Rs.07 lacs, T.V. Freeze, Golden chain, vehicle

and cash also at the time of marriage, the opposite party no.2

was tortured for demand of Rs.10 lacs. It is further alleged that

petitioner and his family members ousted the opposite party

no.2 from the house after abusing her and the petitioner has an

illicit relationship with another lady.

Submission of the learned counsel for the petitioner is

that he is government servant and prior to lodging of this case a



divorce case has been filed before the Family Court, Jehanabad which is numbered as 105 of 2017 and which is pending at the stage of evidence and a case for maintenance has already been filed by the opposite party no.2. Further submission is that the whole allegations are false and concocted.

Heard learned A.P.P. and the learned counsel appearing on behalf of the opposite party no.2 also who has opposed the prayer of the bail stating that in the divorce case, filed by the petitioner without exhausting the process of reconciliation, the case was fixed for evidence and the same is not concluded. He further submitted that the opposite party no.2 is ready to reside with the petitioner, but the petitioner is not ready to keep her and filed the divorce case, which also amounts to cruelty.

Having heard both sides, in view of the above facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the petitioner. However, the petitioner is always at liberty to move for grant of regular bail which will be considered by the learned court below on its own merits.

(Vinod Kumar Sinha, J)

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