

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21388 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- SISWAN District- Siwan

PAWAN KUMAR GIRI @ PAWAN GIRI, Son of Manan Giri, Resident of Village - Kachnar, P.S.- Siswan, District - Siwan, at Present R/O Qr. No. 147/1, A/2 D, Girish Ghosh Road, P.S.- Belur, District - Howrah (West Bengal).

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Kiran Bala Devi @ Kiran Devi, Wife of Pawan Kumar Giri, D/o Bikarma Giri, R/o Village - Bharwaliya, P.S.- Siswan, District - Siwan at present R/o Village - Ghoorghat Ke Mathiya, P.S.- Siswan, District - Siwan.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 09-05-2019 Petitioner seeks bail in anticipation of his arrest in connection with Siswan P.S. Case No. 156 of 2018 registered for the offences punishable under Sections 323, 498A, 406, 419, 420, 384/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner as per complaint petition is that he has subjected his wife to cruelty with respect to non-fulfilment of demand of a car and when the complainant became pregnant her pregnancy was aborted by the petitioner and thereafter the petitioner and other accused persons started demanding of Rs.12 lac and subjected her to cruelty for that and



one son was born but he could not survive and for that she has filed a complaint case No. 2722 of 2014 and after filing of the case the accused petitioner assured to keep her properly and thereafter the accused petitioner had taken her to Howrah where there was also demand of Rs.15 lac and she was ousted from the house.

Submission of learned counsel for the petitioner is that petitioner had taken her to Howrah and she was not co-operating and for that a divorce case has been filed in which ex parte decree of divorce has been passed by the Family Court, Calcutta.

Heard learned APP and learned counsel for opposite party No.2, who has opposed the prayer for anticipatory bail stating that after compromise she was taken to Howrah where ex parte decree of divorce was obtained by the petitioner from the Family Court and that clearly shows the conduct of the petitioner and thereafter ousted her from the house.

Having heard both sides and in view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. He may surrender and make prayer for regular bail.

With the above observation, this application is



dismissed.

(Vinod Kumar Sinha, J)

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