

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27664 of 2019

Arising Out of PS. Case No.-1094 Year-2005 Thana- COMPLAINT CASE District- Banka

LAXMAN DAS Son of Ramsahi Das, Resident of Village- Barmasiya, Police
Station- Anandpur (Chandan), District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rukmani Devi, W/O Parmeshwar Das, Resident of Village- Barmasiya,
Police Station- Chandan (Anandpur), District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1094 of 2005, registered for the offences punishable under Sections 147, 323, 379, 504, 498 (A)/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act. But cognizance has been taken under Section 323, 498 (A), 504 of the I.P.C.

Petitioner happens to be cousin brother (Mousera Bhai) of the husband of the complainant is said to have tormented the complainant over dowry demand and drove her out from her matrimonial house along with other co-accused



persons.

It is submitted by the learned counsel for the petitioner that petitioner has no concern with the aforesaid occurrence. He happens to be cousin brother of the husband of the complainant. He resides separately from the complainant and her husband and he has no concern with affairs of complainant and her husband. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Both husband and complainant have compromised the case and her husband has been discharged from the complaint case. Hence, he may be enlarged on bail.

Learned A.P.P. for the State opposing the prayer for bail submitted that the case is of year 2005 and petitioner has not filed anticipatory bail petition till considerable and long span of time of 14 years which indicates that the petitioner has no apprehension of his arrest. As had he any apprehension he would have filed anticipatory bail on the earlier occasion not so late. Hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seeks



regular bail and the learned Court below is directed to pass an order in accordance with law without being prejudiced by this order on the very date of surrender by the petitioner.

(Prakash Chandra Jaiswal, J)

T.Kr./-

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