

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28315 of 2019

Arising Out of PS. Case No.-2128 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VISHWAKARMA RAUT @ VISHWAKARMA PATEL Son of Shivnath
Patel Resident of Village - Rice Mill Bankat, P.S.- Chanpatia, Distt - West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambha Devi Wife of Vishwakarma Raut @ Vishwakarma Patel, D/o
Birendra Patel Resident of Village - Rice Mill Bankat, P.S.- Chanpatia, Distt
- West Champaran. At present R/o village - Gauchari, P.S.- Balthar, Distt -
West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate.
Mr. Sachidanand Rai, Advocate.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

For the informant : Mr. Vibhakar Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 05-11-2019 The petitioner apprehends his arrest in connection with

S.C.Case No. 925 of 2019 arising out of Complaint Case No.

2128C of 2016 in which cognizance under Section 498A of the

Indian Penal Code and 4 of the Dowry Prohibition Act has been

taken.

Allegation against the petitioner is that petitioner was
married to complainant i.e., O.P.No. 2 in the year 2012 and came
to her matrimonial home. Thereafter, after some time, petitioner
along with other accused persons started demanding motorcycle
and cash of Rs. 50,000/- as dowry and due to non-fulfillment of



demand, petitioner along with other accused persons tortured the complainant physically as well as mentally. It has further been alleged that the accused persons tried to set the complainant on fire. The complainant has further stated that she has been ousted from her matrimonial home and she had been waiting that the petitioner would take her to matrimonial home but she was told that unless demand of dowry would be fulfilled petitioner will not allow her to stay in her matrimonial home.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this matter on the basis of reckless allegation. He further submits that from perusal of Annexure-3, which is a certificate issued by the Mukhia of Gram Panchayat Raj Gauchari, it would be evident that complainant had married to some other person.

On the other hand, learned counsel appearing on behalf of O.P.No. 2 submits that the matter was referred for mediation before the Patna High Court Mediation and Conciliation Centre but the petitioner did not appear before the learned Mediator during the entire period of mediation for a single day. Learned counsel further submits that allegation of marriage with another person is completely false and reckless and petitioner with an intention to harass the complainant is not allowing her to stay in



her matrimonial home as wife of the petitioner due to non-fulfillment of demand of dowry. He further submits that in the year 2016, the complainant has suffered mental as well as physical torture at the hands of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that allegation against the petitioner is specific in nature and despite the fact that complainant/O.P.No. 2 was all along present before the learned Mediator for amicable settlement, the petitioner did not turn up for a single day before the learned Mediator as such I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

(Anil Kumar Sinha, J)

sujit/-

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