

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37561 of 2019

Arising Out of PS. Case No.-1721 Year-2014 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Ashok Bhagat @ Ashok Kumar, Son of Ram Ishwar Bhagat, Resident of
Village - Sinhaghat, P.S.-Krishangarh (Barahara), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Pal, Wife of Ashok Kumar @ Ashok Bhagat, D/O - Chaturbhuj Pal,
Resident of Village - Vimwa, P.S.- Jagdishpur, District- Bhojpur, Presently
residing at Chadroday Nagar, Near Commander Gas Godown, Deopar
Rajajipuram P.S.-Rajajipuram, District- Lucknow (Uttar Pradesh)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Kumar
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-09-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1721 (C) of 2014,

disclosing offences under Section 498A of the Indian Penal

Code and Section 3/4 of Dowry Prohibition Act.

In this case earlier notice was issued to the opposite
party no.2 and it appears from the service report that notice was
received by father of the opposite party no.2. Subsequent a
supplementary affidavit has been filed by the petitioner stating
that the opposite party no.2 is residing with her father and they



are living jointly. In view of the facts, as stated above, the service of notice be accepted as valid.

Prosecution case is of torturing and subjecting the opposite party no.2 to assault since the date of marriage with respect to non-fulfillment demand of motorcycle and other articles and also the accused persons tried to kill her. It further appears from the impugned order that in the court below also he flatly refused to keep her.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with dignity and care.

Heard learned APP also.

As in this case notice was received by the father of the opposite party no.2, but the opposite party no.2 did not chose to appear nor she has failed any *Vakalatnama* through any counsel.

Having heard both sides, in view of the nature of allegation, I am not inclined to grant privilege of anticipatory bail to the petitioner. However, it is always open to the petitioner to pursue the opposite party no.2 and if they are appearing together before the learned court below while praying for regular bail, the court below shall consider the aforesaid aspect of the matter.



With the aforesaid observations, this application is
disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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