

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34523 of 2019**

Arising Out of PS. Case No.-74 Year-2014 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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AKHILESHWAR PRASAD Son of Balmukund Prasad Resident of Village -
Gondar Bigha, P.S.- Ongari, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Babita Devi D/O- Sheo Shankar Prasad Resident of Village - Sheonagar,
P.S.- Parwalpur, District- Nalanda

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad
For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-08-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 74C/14, disclosing offences under
Sections 323, 498A and 504 of the Indian Penal Code.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
torture with respect to demand of dowry.

From perusal of the record, it appears that petitioner
was earlier granted the privilege of provisional bail vide order
dated 30.06.2017 passed in Cr. Misc. No. 13980 of 2017 with
direction to the court below to make efforts for reconciliation
between the husband and the wife. If the dispute is resolved, the



provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved the court below shall pass order in accordance with law immediately after lapse of six months on the provisional bail of the petitioner. It appears that again this anticipatory bail application has been filed with the same impugned order, which was annexed in Cr. Misc. No. 13980 of 2017

Submission of learned counsel for the petitioner is that he is still ready to keep the complainant with full honour and dignity.

On the other hand, learned counsel for the State as well as learned counsel for the complainant opposed the prayer for grant of anticipatory bail on the ground that the second anticipatory bail is not maintainable

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender in the court below and pray for regular bail, however, it is always open to the petitioner to bring his wife and keep her with himself on the assurance that he will keep her with full honour and dignity and if such ground is taken by the petitioner while filing bail application in the court below, the



court below while disposing of the prayer for bail of the petitioner will consider the same.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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