

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30334 of 2019

Arising Out of PS. Case No.-637 Year-2018 Thana- BODHGAYA District- Gaya

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Akash Kumar Son of Bhim Sao Resident of Village- Pachhati, Police Station- Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Pratima Kumari Daughter of Umesh Sao Resident of Village- A.T. Gate Baler, Police Station- Magadh Medical, District- Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 04-12-2019 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State. No one appears on behalf of opposite party no. 2 despite service of notice.

Petitioner apprehends his arrest in connection with Bodh Gaya P.S. Case No. 637 of 2018 registered for the offences punishable under Sections 494, 498(A)/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The record goes to show that on earlier occasion also, none had appeared on behalf of opposite party no. 2 when this petition was listed for hearing.

Petitioner happens to be husband of opposite party no.



2 and there is allegation that he put the opposite party no. 2 in cruelty on account of non-fulfilment of illegal demand. However, the first information report goes to show that petitioner has already solemnized his marriage with another girl.

Learned counsel appearing for the petitioner submits that petitioner is ready to keep the opposite party no. 2 with him but it is opposite party no. 2 who does not want to lead her marital life with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to petitioner and accordingly, his prayer for anticipatory bail stands rejected. However, petitioner is directed to surrender before the court below within six weeks from today and if he does so and makes prayer for regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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