

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.164 of 2019

Arising Out of PS. Case No.-244 Year-2016 Thana- GAYA MUFASIL District- Gaya

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Anup Kumar @ Anoop Kumar, Son of Kumar Sharma, Resident of Village- Sankardih, P.S.- Parwalpur, District- Nalanda, presently as Qtr. No. D/01/001, Borachak House, P.O. Sitarampur, P.S.- Asansol South, District- West Wardwan, West Bengal.

... .. Petitioner

Versus

1. The State Of Bihar
2. Kumari Chunchun, d/o Dinesh Kumar Singh, r/o Moh. Manpur, near Jagjivan College, P.S. Moffasil, Dist. Gaya

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

9 30-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Mufassil P.S. Case No. 244 of 2016, registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be husband, is of ousting the informant from the house with respect to demand of Rs.15 lacs and further it appears that earlier prayer for anticipatory bail of the petitioner was rejected by this Court vide order dated 10.5.2017 passed in Cr.Misc.No. 49225 of 2016 and thereafter the petitioner moved before the Hon'ble Apex Court in SLA(Criminal) No. 4612 of 2017 where he was given interim protection till investigation. Now after investigation charge sheet has been submitted and it further appears that in spite of that a co-



ordinate Bench has taken the matter for reconciliation but that failed.

Submission of learned counsel for the petitioner is that whole allegation is false and baseless and he has already filed a divorce suit against opposite party No.2.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail of the petitioner stating that even in reconciliation proceeding the petitioner has not appeared and as such reconciliation failed. However, this submission has been controverted by learned counsel for the petitioner.

Having heard both sides and in the facts and circumstances and as charge sheet has already been submitted, I am not inclined to grant the privilege of anticipatory bail to the petitioner. However, the petitioner is given liberty to move before lower court for grant of regular bail, which shall be considered on the basis of materials available on the record and, if possible, to be disposed of on the same day.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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