

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36285 of 2019

Arising Out of PS. Case No.-297 Year-2017 Thana- PATRAKARNAGAR District- Patna

Rajiv Kumar aged about 29 years (Male), Son of Sri Bal Ram Singh Resident of Mohalla- Naya Tola, Madhavpur, PO and PS- Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Pranav Kumar, Advocate
For the Informant	:	Mr. Awadesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Patrakar Nagar P.S. Case No. 297 of 2017 registered under Sections 341, 323, 498A, 494, 504, 506, 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act, pending in the court of learned Sub-Divisional Judicial Magistrate, Patna.

Learned counsel for the petitioner submits that this is second round of criminal proceeding initiated against the petitioner at the instance of his wife because of the matrimonial dispute. It is submitted that earlier a complaint case was filed by the wife of the petitioner in which he was sent behind the bar



and then has come out on bail. In the complaint case charges have already been framed and the trial is going on. At this stage, another case has been filed for various offences alleged as stated in paragraph '1' to the application.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail, as according to him, the petitioner has continued with the various acts and omissions which would constitute validly and assault against the wife. It has been specifically pleaded that petitioner has solemnized another marriage. Learned counsel further points out that petitioner is presently on police bail and has filled up bail bonds in terms of Section 41(1)(C) of the Code of Criminal Procedure.

Having heard learned counsel for the petitioner and learned counsel for the informant, finding that in the present case a charge has already been framed and despite there being one case of similar nature the petitioner is said to have indulged in commission of an offence of similar nature during pendency of the complaint case as also that a charge-sheet has been submitted and he is on police bail, this court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.



In case, petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today, his prayer shall be considered by the court below on it's own merit without being prejudiced by the orders of this court.

Learned counsel for the petitioner has at this stage points out that petitioner is a government servant and is paying a sum of Rs. 10,000/- as maintenance to the informant. If it is so, his prayer for regular bail be considered keeping it in mind and on the same day when the petitioner surrenders before the court below.

(Rajeev Ranjan Prasad, J)

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