

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39566 of 2019**

Arising Out of PS. Case No.-89 Year-2018 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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DHANANJAY SHRIVASTAVA @ DHANANJAY KUMAR SHRIVASTAVA
Son of Ashok Lal Resident of Village- Shailas, P.S.Kochas, District- Rohtas at
Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanak Shrivastava W/o Dhananjay Srivastava, D/O Pandey Murlee Manohar, Resident of Village- Padhauli, P.S. Bhawanpur, District- Kaimur at Bhabhua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in

Bhagwanpur P.S. Case No. 89 of 2018 registered under Section

498A/34 of the Indian Penal Code.

Petitioner who happens to be husband of the

informant is said to have tormented the informant over dowry

demand and finally drove her out of her marital house over said

dowry demand in association of his family members.

It is submitted by learned counsel for the petitioner

that the petitioner has no concern with the aforesaid

occurrence. He neither made any demand nor ever tormented



the informant nor drove her out of her marital house. He is ready to keep the informant with him with full honour and dignity.

Learned APP for the State opposed the bail petition.

From perusal of the record, it appears that vide impugned order dated 23.07.2018, learned 1st Additional Sessions Judge, Kaimur at Bhabua has directed the court below to enlarge the petitioner on bail on furnishing bail bond of the amount fixed by the court on filing joint compromise petition and undertaking to the effect that petitioner and other accused persons will keep the informant with them with full honour and dignity and will not pass any comment on her, but without filing compromise petition and giving undertaking, petitioner has filed this anticipatory bail petition. As the prayer of anticipatory bail of the petitioner has not been rejected by the learned lower court, anticipatory bail petition is not maintainable in this Court. Accordingly this petition is dismissed as not maintainable.

However, petitioner is directed to file the joint compromise petition and undertaking as per the direction of the learned lower court within four weeks from the date of



receipt/production of a copy of this order. Then the learned Magistrate will pass an appropriate order in accordance with the direction of the learned A.D.J.

(Prakash Chandra Jaiswal, J)

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