

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41808 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- COMPLAINT CASE District- Lakhisarai

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SUMAN SAURABH S/o Ashok Kumar Pathak Resident of Village- Rudpai,
P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prity Kumari W/o Suman Saurabh, D/o Rampravesh Debey At Present Court Area, Hasanpur Lakhisarai, P.S. and District- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.231C/2018 registered for offences punishable under Sections 406, 420, 498A, 560, 511/34 of the Indian Penal Code and Section 4 of the D.P.Act.

As per the prosecution case, Rs.05 lac was demanded by the petitioner from the informant, who happens to be wife of the petitioner and for that she was ousted.

Submission of the learned counsel for the petitioner is that the allegation is general in nature . Earlier he had filed a case under Section 9 of the Hindu Marriage Act for restitution of the conjugal right but she has not appeared in this case and thereafter he has filed a divorce petition and the petitioner is ready to one time settlement. In this case earlier the petitioner was granted prvosional bail vide order dated 8.7.2019 and at



that time, both the parties had expressed their willingness to explore possibility of living together harmoniously.

Submission of the learned counsel for the O.P.no.2 is that she is ready to reside with the petitioner but the petitioner is not ready to keep her in spite of assurance earlier given .

Heard learned A.P.P. also.

Having heard both sides and considering the conduct of the petitioner as on one side he is filing a petition under Section 9 of the Hindu Marriage Act for restitution of the conjugal right but the other side he has refused to keep her , I am not inclined to grant privilege of anticipatory bail to the petitioner, however, he may surrender and pray for regular bail and the provisional bail earlier granted, vide order dated 8.7.2019, to the petitioner is recalled.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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