

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44225 of 2019

Arising Out of PS. Case No.-269 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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DHARMENDRA KUMAR SAH Son of Rajbanshi Sah Resident of Village -
Basghat, Masuriya, P.S.- Mahmad pur, Distt - Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Devi D/O- Shakaldeo Sah R/o Vill- Pipra Bazar, P.S.- Baikunthpur,
Dist- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogendra Prasad Sinha
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for the informant.

The petitioner apprehends his arrest in C. Case
No.269/2019 corresponding to Tr. No.2194/2019 registered
under Section 498A of the Indian Penal Code.

The petitioner is the husband of the complainant.

The complainant alleged that she was married with
the petitioner on 10.03.2017 and went to her matrimonial house
but her husband and other in-laws started subjecting her to
different sorts of torture. Her husband was demanding a Bullet
motorcycle. The complainant tried to persuade her husband to
keep her properly but she was assaulted and driven out from the



house on 09.11.2018.

The learned counsel for the petitioner submits that the complainant was not behaving properly with him. The petitioner filed divorce case under Section 13 of the Hindu Marriage Act on the ground that the complainant having extra-marital relation. On 21.12.2018, the complainant also filed the case under Section 125 of the Cr.P.C. It is submitted that petitioner does not want to keep his wife and no useful purpose will be served to send the petitioner in jail as the wife has already filed the case for her maintenance and divorce case is also pending.

On the other hand, learned counsel for the complainant submits that the complainant appeared before the learned Sessions Judge and she disclosed that she was carrying pregnancy of seven months from the wedlock but the petitioner refused to keep her and on bald statement making allegation of bad character. The complainant is still ready to live with her husband.

It appears that the complainant alleged that she was assaulted and driven out from the house on 09.11.2018 while she was carrying pregnancy. Later on, the petitioner filed divorce case after driving his wife out from the house on 21.12.2018 making allegation that his wife is having extra-



marital relation.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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