

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46926 of 2019

Arising Out of PS. Case No.-143 Year-2013 Thana- MAHILA P.S. District- Bhojpur

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SURESH BAITHA @ SURESH RAJAK Son of Sahdev Rajak Resident of
Village - Arwal, P.S.- Arwal, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Devi Wife of Suresh Rajak @ Suresh Baitha Resident of - Arwal, P.S.-
Arwal, District - Bhojpur. At present living at Village Garahani, P.S.-
Garahani, District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Mahila P.S.Case No.143/2013 arising out of Complaint Case No.1400 (C) of 2013 registered for offences punishable under Sections 498(A), 406, 340 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is that he along with the other co-accused persons demanded golden chain and cash and for non-fulfillment of the demand, his wife -informant was ousted from her matrimonial house. It further appears that a case was filed in the year, 2013 and now after six years, the petitioner has come for grant of anticipatory bail. It also appears that earlier the prayer for anticipatory bail filed by the petitioner was rejected by the Sessions Judge and again he has filed



anticipatory bail application which was rejected vide order dated 13.8.2017 and after two years, this application has been filed in this Court.

Submission of the learned counsel for the petitioner is that the informant has solemnized second marriage.

Heard learned A.P.P. also.

Having heard both sides, in view of the facts and circumstances, as stated above, the petitioner is named in the FIR and also the conduct of the petitioner as filing anticipatory bail application after six years of the filing of the case, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, he may surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

It is also made clear that if the petitioner is ready to keep her (informant) and she also wants to live with the petitioner, the same shall be considered by the learned court below while considering the prayer for regular bail of the petitioner.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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