

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56266 of 2019

Arising Out of PS. Case No.-1206 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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ASHOK CHOUDHARY Son of Satya Narayan Choudhary Resident of
Village- Gosaipur, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Gudiya Kumari Wife of Ashok Choudhary Resident of Village- Gosaipur,
P.S.- Dumra, District- Sitamarhi, At present D/o Surendra Mishra, Resident
of Village- Sheohar, P.S.- Dumra, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 1206/2018, disclosing

offences under Section 498(A) of the Indian Penal Code.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
torture with respect to demand of dowry.

Submission of learned counsel for the petitioner is
that prior to lodging of this case, petitioner has filed a divorce
case against the complainant and, therefore, the present case has
been lodged and considering the conduct of the complainant, he
is not ready to keep the complainant.

Heard learned A.P.P. as well as learned counsel for



the complainant. Learned counsel for the complainant has submitted that complainant is still ready to live with the petitioner but petitioner is not ready to keep her.

Having heard both sides, considering the facts and circumstances as well as the rigid approach of the petitioner to not keep the complainant with himself, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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