

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69595 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- RUDRAPUR District- Madhubani

Ganesh Chandra Jha Son of Shailendra Jha Resident of Village-Harari, Police
Station Rudrapur, Distt.-Madhubani

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kiran Jha wife of Ganesh Chandra Jha, D/o of Ram Chandra Mishra
Resident of Village-Satghara, P.S. Nabubarhi, Distt.-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi,
Mr. Manoj Kumar Jha
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

7 14-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Rudrapur P.S. Case NO. 57 of 2018, disclosing offences under Sections 498A read with Section 34 of the Indian Penal Code.

The petitioner is husband of Opposite party No.2.

Mr. Siya Ram Sahi, learned counsel appearing on behalf of the petitioner, has submitted that before lodging of the criminal case, the petitioner had filed a divorce case before the Principal Judge, Family Court, Madhubani, giving rise to Matrimonial Case No. 101 of 2018. He submits that filing of the criminal case is apparently in retaliation of the filing of the said divorce case. He has also submitted that



allegation of demand of dowry being general and omnibus in nature, the petitioner deserves privilege of anticipatory bail.

During the pendency of the present anticipatory bail application, this Court had the occasion to notice the conduct of the petitioner. By order dated 17.12.2018, the petitioner was asked to be personally present on 20.12.2018. He did not turn up. Subsequently, on 13.02.2019, the petitioner had turned up. This Court, noticing some scope of resolution of the matrimonial dispute had directed the petitioner and Opposite party No.2 to be personally present in Court. The petitioner was granted provisional bail. In the meanwhile, the petitioner had agreed that he would be taking the Opposite party No.2 along with to Shimla, where he is working. He, however, disobeyed this Court's order dated 13.02.2019, for which there is no explanation on record. It was in that background the interim protection of provisional bail, granted to the petitioner on 13.02.2019, was vacated. It appears from the order dated 15.04.2019 that even learned counsel for the petitioner was not having any instruction from the petitioner about his response to non-compliance of this Court's order dated 13.02.2019.

Mr. Sahi has relied on an order of the Supreme Court dated 30.04.2019 passed in Criminal Appeal No. 594 of 2019 (Rashmi Chopra Vs. State of U.P. and other



analogous cases) to submit that since lodging of the criminal case is a counter blast to a divorce petition, the petitioner deserves anticipatory bail.

There is nothing on record to show that notice of the divorce case was served on Opposite party No.2 before lodging of the First Information Report. In any view of the matter, the conduct of the petitioner dis-entitles him of the privilege of anticipatory bail.

This application is, accordingly, rejected.

The petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised, If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

arun/-

(Chakradhari Sharan Singh, J)

U			
---	--	--	--

