

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79314 of 2019

Arising Out of PS. Case No.-999 Year-2013 Thana- COMPLAINT CASE District- Jamui

1. Binod Yadav, Son of Late Jago Yadav Resident of Village - Nedho, Post- Talaki, Police Station - Jamua, District - Giridih (Jharkhand).
2. Savitri Devi, Wife of Late Jago Yadav Resident of Village - Nedho, Post- Talaki, Police Station - Jamua, District - Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aaho Devi, wife of Binod Yadav Resident of Village - Nedho, Post- Talaki, Police Station - Jamua, District - Giridih (Jharkhand). at present daughter of Raj Kumar Yadav, resident of Village- Jamua, Police Station - Chakai, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioner no. 1 being the husband of the complainant and petitioner no. 2 being the mother of petitioner no. 2 are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment



of further dowry demand.

It appears from the impugned order that the petitioners were declared absconder vide order dated 06.04.2019 and same was challenged in Criminal Revision No. 101 of 2019 by the petitioners and vide order dated 20.05.2019 the revisional court directed the petitioners to appear before the learned Court below but in spite of being appear before the learned Court below, the present anticipatory bail application has been filed.

Considering the factual aspect of the matter as quoted above, this Court is not inclined to entertain the present anticipatory bail application.

However, considering the nature of accusation, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of four weeks from today in connection with Complaint Case No. 999C of 2013, pending in the Court of learned Sub-divisional Judicial Magistrate, Jamui.

It is expected from the learned Court below to dispose of the application of petitioner no. 2 preferably on the same day. However, with regard to petitioner no. 1, he may be granted provisional bail which can be confirmed by the learned Court below after issuing notice to the complainant.



With the above observation and direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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