IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73432 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- DAUDPUR District- Saran

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Deepak Prasad @ Deepak Kumar Son of Vijay Prasad, Resident of Village- Mohan Bazar, Police Station- Maharajganj, District- Siwan.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 01-08-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Daudpur Police Station Case No.89 of 2018 registered under Sections 341, 323 and 498(A)/34 of the Indian Penal Code besides Sections 3/4 of the Dowry Prohibition Act, pending in the court of Shri Rakesh Mani Tiwary, Judicial Magistrate, First Class, Chapra, District-Saran.

The accusation is of torturing the informant by her husband (petitioner) and other in-laws for non-fulfillment of the dowry demand of cash Rs.1,00,000/- and one motorcycle and removing the informant along with her minor child from the

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matrimonial home.

Learned counsel appearing on behalf of the petitioner submits that while the petitioner, who is the husband of the informant, tried to settle the dispute with the informant at his own level but the dispute in between the petitioner and the informant could not be settled because the petitioner wants for one time settlement by giving Rs.4,00,000/- to the informant but the informant is adamant to live with the petitioner with her child. In fact, the petitioner does not want to live with the petitioner because the informant is an adulterous lady.

On the other hand, learned counsel for the informant submits that the aforesaid submission of the learned counsel for the petitioner that the petitioner does not want to live with the informant because the informant is an adulterous lady is the defence of the petitioner, which is only with a view to avoid to lead the matrimonial life with the informant, and uptil now, no any case for divorce has been filed by the petitioner against the informant.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of

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anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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