

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43792 of 2019

Arising Out of PS. Case No.-5046 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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SHYAM PRASAD BHATTACHARYA @ SHAYAM PRASAD
BHATACHARYA S/o Late Hari Prasad Bhattacharya Resident of Naba Pali,
P.O.- Joka, P.S.- Harideopur, Thakur Pukur South 24 Pargana, Kolkatta, West
Bengal

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Sushmita Bhattacharya @ Sushmita Chakrwardi W/o Shyam Prasad
Bhattacharya, D/o Sunil Chakarwardi Residing in C/34 of Nanda Homes at
Khajpura, Bailey Road, P.S.- Hawaii Adda, District- Patna

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Arun Sharma, Advocate
For the Opposite Party No.1:		Mr. Binod Kumar, APP
For the Opposite Party No.2:		Mr. Saket Gupta, Advocate

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

ORAL ORDER

12 11-12-2020 Heard Mr. Arun Sharma, learned counsel appearing

on behalf of the petitioner, Mr. Binod Kumar, learned Additional

Public Prosecutor, for the State of Bihar and Mr. Saket Gupta,

learned counsel representing opposite party No.2.

This application for grant of anticipatory bail arises
out of Complaint Case No. 5046 of 2017, registered for the
offence punishable under Sections 498(A), 494, 384, 504 of the
Indian Penal Code.

The allegation relates to demand of dowry
constituting offence punishable under Section 498A of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition



Act. The petitioner was allowed provisional bail during the pendency of this application, while issuing notices to the opposite party No.2 (wife).

In addition to the allegation that there has been demand of dowry, it has been asserted on behalf of the complainant during course of argument that the petitioner is not paying even the amount of maintenance. During the course of hearing of this matter, the Court has noticed that prevaricating stand is being taken on behalf of the petitioner.

Considering the nature of accusation and the conduct of the petitioner, I am not inclined to grant him privilege of anticipatory bail.

This application is accordingly dismissed.

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

It is indicated that defect, if any, shall be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the



Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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