

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48492 of 2019**

Arising Out of PS. Case No.-1993 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Vikesh Mandal, aged about 28 years, Male, Son of Devendra Mandal
Resident of Mahammdi Karmohana, P.S.- Dhaka, District- East
Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Vikesh Mandal, Daughter of Biltu Mandal
Resident of village- Patahi Tola Nanhkar, P.S.- Patahi, District- East
Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

9 16-09-2020 Heard learned counsel for the petitioner and Mr.

Rajesh Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Trial No. 1807/2018 arising out of
Complaint Case No. C-1993/2015 registered for the offence
under Section 498(A) of the Indian Penal Code, pending in the
court of learned Judicial Magistrate, Sadar Motihari, East
Champaran.

The allegation against the petitioner is that after his
marriage he was committing torture upon the complainant –
opposite party no. 2 over non-fulfillment of demand of dowry.



She was thrown out of her house and because of the assault committed on her she went through abortion. The complainant alleged that since 2015 she had been left in her Naihar as the petitioner was not ready to take her to the matrimonial home without fulfillment of demand of dowry.

In order to find out as to whether there is any chances of reconciliation between the parties, this Court called upon learned counsel for the petitioner to seek instruction. Learned counsel for the petitioner has informed this court that the petitioner has already solemnized a second marriage and there is no chance of reconciliation.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that on finding a prima-facie case the learned Chief Judicial Magistrate has taken cognizance of the offence under Section 498A of the Indian Penal Code. The petitioner has not submitted himself to the jurisdiction of the Court for all these years, rather he has gone for a second marriage during the lifetime of the legally wedded wife such as the complainant – opposite party no. 2, therefore, the petitioner does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the



case, the gravity of the allegations and the fact that a prima-facie case has been made out against the petitioner and the petitioner instead of submitting himself to the jurisdiction of the Court indulged in entering into a second marriage during lifetime of his spouse, there are specific allegations of assault against the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

