

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.49030 of 2019**

Arising Out of PS. Case No.-707 Year-2017 Thana- KAHALGAON District- Bhagalpur

MD.ASIF Son of Md. Navi Resident of Village - Rampur Khadhara, P.S.-
Rasalpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Asmin, W/o Md. Asif, R/o Maheshmunda, P.S. - Kahalgaon, District –
Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shyam Kishor Das, Advocate
For the State	:	Mr.Lalan Kumar, APP
For the O.P. No.2	:	Mr. Anupanand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 17-09-2020 Heard learned counsel for the petitioner, Mr. Lalan Kumar, learned A.P.P. for the State as well as Mr. Anupanand Jha, learned counsel representing the informant – opposite party no. 2 who has entered appearance in this case.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Kahalgaon (Rasalpur) P.S. Case No. 707 of 2017 registered for the offence under Section 498(A) and 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, pending in the court of learned S.D.J.M., Bhagalpur.

Allegation against the petitioner is that immediately after his marriage with the informant – opposite party no. 2, he



was demanding the dowry both in form of cash as well as in kinds and on non-fulfillment of the demand of dowry the petitioner was brutally assaulting the informant.

Learned counsel for the petitioner submits that in fact it is the wife – opposite party no. 2 who is not willing to live with the petitioner however the submission of learned counsel for the petitioner has been opposed by learned counsel representing opposite party no. 2. It is submitted on behalf of opposite party no. 2 that earlier this case was sent to the Mediation Centre to initiate a process of amicable resolution of dispute between the parties but because the petitioner is not ready to take care of opposite party no.2, the dispute could not be resolved. It is also pointed out that the opposite party no. 2 has filed a maintenance case in the court below but in the said case the petitioner is not putting his appearance and at this stage he is not taking any effort to help the opposite party no. 2 in meeting her life saving necessities.

This case was adjourned yesterday for learned counsel representing the petitioner to seek instruction as to what efforts the petitioner is taking to maintain the opposite party no. 2. Learned counsel for the petitioner has categorically submitted that in this regard for the present nothing is being done, however



this Court should leave it for the learned court below to pass appropriate order in the pending case.

Having regard to the facts and circumstances of the case wherein it appears from the allegations made in the First Information Report that there are allegations of demand of dowry and for non-fulfillment of the same the petitioner was assaulting the informant – opposite party no. 2 and for all these years he is not taking care of the opposite party no. 2 and is not even ready to show his bonafide at this stage, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail 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'.

