

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61627 of 2019

Arising Out of Complaint Case No.-668 C Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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Manoj @ Manoj Yadav, (M) aged about 37 years, Son of Shobha Lal Yadav,
Resident of Durgapur, P.S.- Kodhobari, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, (F), aged about 33 years, Wife of Manoj @ Manoj Yadav,
Daughter of Late Bachchu Lal Yadav Resident of Durgapur, P.S.-
Kodhobari, District- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the Informant	:	Mr. Ram Pravesh Kumar and Mr. Rajeev Ranjan, Advocates
For the State	:	Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-03-2020

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 668 C of 2018 dated 01.09.2018 instituted
under Section 498A of the Indian Penal Code.

3. Earlier, by order dated 16.10.2019, the Court had
referred the matter to the District Mediation Centre, Kishanganj.
However, the learned Mediator while submitting his final report
dated 26.11.2019 had stated that the parties were called and
Mediation efforts were carried out on 25.11.2019 and 26.11.2019.



From what has been stated, it appears that the petitioner had a non cooperative attitude in the Mediation as he has flatly denied taking of any responsibility on the plea that he himself is not keeping well. Accordingly, the Mediation has failed.

4. In view thereof, the Court has heard the parties on merits.

5. The allegation against the petitioner and nine others is of mental and physical torture, abuse, assault, demand of dowry and snatching of gold ear rings worth Rs. 20,000/-.

6. Learned counsel for the petitioner submitted that the allegations are general and omnibus and that he is still ready to keep his wife-opposite party no. 2 and their three children with him.

7. Learned APP submitted that besides the petitioner torturing and turning out the wife of the matrimonial home, along with the three children, he has also not bothered to maintain her.

8. Learned counsel for the opposite party no. 2 submitted that the petitioner had broken his leg and with help of the brother of the opposite party no. 2, the treatment was done and later on, the complainant was badly beaten up due to which her hand was fractured. It was further submitted that the petitioner also does not contribute in any way to the upbringing of their three



children. Learned counsel submitted that before the Mediation also, primarily due to non cooperative attitude of the petitioner, Mediation has failed and the plea before the Court today that the petitioner is ready to keep his wife and children with him is farcical and without *bona fide*.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

10. Accordingly, the application stands dismissed.

11. The interim protection given to the petitioner by order dated 16.10.2019, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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