

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71600 of 2019

Arising Out of PS. Case No.-311 Year-2008 Thana- COMPLAINT CASE District- Banka

RAJENDRA YADAV Son of Narsingh Yadav Resident of Village -
Bhorisimar, P.S.- Katoria (Jaipur), District- Banka Petitioner
Versus

1. The State of Bihar Bihar
2. Mamta Devi Wife of Rajendra Yadav, Resident of Village - Bhorisimar, P.S.-
Katoria (Jaipur), District- Banka, D/O - Lakhpatri Yadav, At present Resident
of Village - Morway, P.S.- Chandan, District- Banka
... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Md. Nurul Hoda
For the Opposite Parties : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 14-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case No. 311 of 2008, registered for the offence punishable under sections 498A and 379 besides other sections of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The instant application for anticipatory bail arises out of complaint case lodged by the complainant, wife of the petitioner in the year 2008. The allegation in the complaint being of torture and demand of Rs. 20,000/- in cash and a Hero Honda motorcycle, ultimately resulting into ouster of the complainant from the house of her in-laws.

It is submitted by learned counsel for the petitioner that the allegations as made in the complaint are false and



concocted. As per the oral instruction received from his client, the complainant had entered into the second marriage. It is for this reason that inspite of issuance of notice in the instant case and the notice having been received by her father as per the report of the process server, she has chosen not to appear in the case. She has left pairvi in the Court below also.

Having heard learned counsel for the parties and considering the facts and circumstances of the case especially the fact that petitioner has chosen to move for anticipatory bail after 11 years of filing of the complaint in the year 2008, this Court is not inclined to enlarge the petitioner on bail. The application for anticipatory bail is rejected with a direction to the petitioner to surrender in the court below within a period of six weeks.

However, in the facts and circumstances of the case, in case the petitioner surrenders in the court below within a period of six weeks, the Court shall consider the bail of the petitioner expeditiously, without being prejudiced in any manner by this order of rejection.

(Partha Sarthy, J)

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