

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27514 of 2020

Arising Out of PS. Case No.-465 Year-2018 Thana- COMPLAINT CASE District- Jamui

SUNIL RAY Son of Basudeo Ray Resident of Village - Rangmatiya,
Khadigram, P.S.- Barhat, District - Jamui.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Baby Devi Wife of Sunil Ray Resident of Village - Rangmatiya, Khadigram,
P.S.- Barhat, District - Jamui. At present- Daughter of Late Kuldip Ray,
Resident of Donga Jharna, P.S.- Jha Jha, District - Jamui

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Mishra,Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh,APP
For O.P. No. 2	:	Mr.Amar Prakash,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-02-2021 Heard learned counsel for the petitioner, learned
counsel for O.P. No. 2 and learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Case No. 465(C) of 2018
registered for the offences punishable under Section 498A of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that he has
been falsely implicated in this case. In his petition, he has
further come out with a statement that he is ready to keep O.P.
No. 2 as his lawfully wedded wife with full dignity and care. In
course of hearing on earlier occasion, learned counsel for the
petitioner had advanced the submission that the petitioner wants



an amicable resolution of dispute and for this purpose he is willing to live with O.P. No. 2. Learned counsel for the petitioner had also sought instruction from the petitioner and had made a statement before this Court that the petitioner shall visit the place of O.P. No. 2 within a period of two weeks from the date on which the order was passed by this Court i.e. 26.11.2020. He has undertaken to bring back O.P. No. 2 to her matrimonial home.

Today, learned counsel for O.P. No. 2 has entered appearance and has informed this Court that the petitioner has married to another woman and for that reason he is not willing to keep the O.P. No. 2 as his lawfully wedded wife and it is further submitted that the petitioner has misled this Court by making a statement that he is ready to go to the place of O.P. No. 2 to bring her back.

Learned counsel further submits that since the date of passing of the order on 26.11.2020, the petitioner did not take any step to take back O.P. No. 2 to her matrimonial home.

This Court finds from the supplementary affidavit now filed on behalf of the petitioner that he is again reiterating his stand that he is ready to keep O.P. No. 2 but now his stand is that he will take O.P. No. 2 from the learned court below on the



date fixed.

Considering the changing stand of the petitioner and fact that earlier he has got protection from this Court on a pretext that he will go to the place of O.P. No. 2 within two weeks and shall bring her back but the said statement made before the Court seems to have been made only with an intention to obtain the interim relief, considering the conduct of the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail of the petitioner is, thus, refused.

Let the petitioner surrender in the court below within a period of four weeks from today and pray for regular bail. It will be open for him to request O.P. No. 2 for an amicable resolution of the dispute in the court below.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

