

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31815 of 2020

Arising Out of Complaint Case No.-2077 C Year-2017 Thana- PURNIA COMPLAINT
CASE District- Purnia

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Pankaj Kumar (Male, aged about-40 years), Son of Sri Chinta Mani Mandal, Permanent Resident of Mohalla- Shailbag Colony, Aliganj, PS- Mojahidpur, District- Bhagalpur. At present posted and residing at - House No. D1/02/07, NTPC Colony, Barh, District- Patna- 803215, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari, Wife of Pankaj Kumar, Daughter of Late Suresh Kumar Patel, Resident of Durgabaadi, Bhatha Bazar, PS- Sadar, District- Purnea, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-02-2021

Heard Mr. Awadhesh Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecution (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Complaint Case No. 2077(C) of 2017 dated 13.11.2017, instituted under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act, 1961.



3. The allegation against the petitioner in the complaint filed by his wife (opposite party no. 2) is of demand of cash, car and also physical and mental torture.

4. Learned counsel for the petitioner submitted that the fault is on the part of the opposite party no. 2, who soon after marriage had started abusing the family members of the petitioner and the petitioner thus has filed a divorce suit in which she has taken the stand that she would mend her ways. It was further pointed out that the opposite party no. 2 has been sending threatening and abusive SMS even to the counsel representing the petitioner. It was further submitted that the petitioner, prior to the lodging of the present case, had also filed Informatory Petition before the local PS and the CJM, Bhagalpur.

5. Learned APP submitted that there is direct allegation of demand of dowry and mental and physical torture and the petitioner not taking any step when the opposite party no. 2 has given a written undertaking before the Court in the divorce suit that she would mend her ways, clearly indicates that there is fault on his part.

6. At this juncture, when the Court called upon learned counsel for the petitioner to take a categorical stand as to whether he was ready to think about reconciliation, learned counsel



submitted that as per his latest instructions, the petitioner has communicated his categorical stand that there can be no reconciliation with the opposite party no. 2.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as also taking an overall view in the matter, based on materials on record, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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