

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71403 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA P.S. District- Saran

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VIJAY VERMA @ VIJAY KUMAR VERMA Son of Late Shankar Verma
Resident of Village- Bhui Gaon, Basant, P.S.- Garkha, District- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh, Adv.
For the State	:	Mr.Jai Narain Thakur, APP
For the Informant	:	Mr. Vijay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 19-03-2021 Heard both sides.

The petitioner apprehends his arrest in Saran Mahila P.S. Case No.31 of 2019 registered under Sections 341, 323, 498A and 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

The informant-wife of the petitioner alleged that she was married with the petitioner on 08.03.2019 and her father gifted many articles on the eve of her marriage. When she went to her in-laws house, her husband and other family members began to demand Rs.5 lacs as additional dowry. When the informant showed the inability of her father to meet the demand, her husband and other family members subjected her to all sorts of physical and mental torture.



The learned counsel for the petitioner submits that the informant herself did not want to live with the petitioner and she committed all acts of cruelty. The Panchayati was held in presence of the punches(Annexure-2). The informant herself disclosed that she was unable to live with her husband and she was willing to solemnise another marriage. The punches recorded the facts and allowed the informant to go to her house. It is further submitted that prior to institution of the present case, brother of the petitioner filed informatory petition before the C.J.M., Saran at Chapra apprehending the reasonable fear of being implicated in a false case. It is further submitted that the informant used to visit the office of the petitioner and she created nuisance there. The petitioner filed petition for his transfer from one office to another(Annexure-7) and all the superior officials recommended the transfer of the petitioner. The occurrence took place in their presence and, therefore, it has become difficult for the petitioner to live with his wife as she earlier created cruelty with the petitioner. Therefore, the petitioner deserves anticipatory bail.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that marriage itself was solemnised in the year 2019



and within few months, the informant was subjected to all sorts of torture at the instance of the petitioner and his family members due to non-fulfillment of additional demand of dowry. The informant never put signature before any of the punches and she is still willing to live with her husband but her husband somehow or other wants to get rid of her. She never raised any hue and cry in the office of her husband. The husband and the wife were directed to be present in Court and the husband expressed that he shall not keep his wife. He wants one time settlement with his wife to resolve the dispute but the wife reiterated the fact that she is willing to live with her husband as within few months of her marriage, she was ousted from the house due to non-fulfillment of demand of dowry after having subjected her to different sorts of mental and physical torture.

Having considered the submissions and on perusal of the records, I find that the dispute between the husband and the wife arose within four months of their marriage. The wife made allegation of demand of dowry and torture and her subjugation of different sorts of torture. An effort was made for reconciliation of the matter but the husband appears to be reluctant to keep his wife on the pretext that his wife committed different acts of cruelty with him and his family members.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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