

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19864 of 2021

Arising Out of PS. Case No.-1234 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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SANTOSH RAY @ SANTOSH SINGH @ PAPPU Son of Laxmi Ray @
Laxmi Mandal Resident of Ward No.04, Bus Stand Banmankhi, P.S.-
Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. BABITA KUMARI D/o Anandi Ramani, Wife of Santosh Ray @ Santosh
Singh @ Papu Resident of Budh Nagar, P.S.- Pranpur, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ajit Kumar Singh
For the Opposite Party/s :	Mr.Sanjeev Kumar Singh
	Mr. Dd. Ataur Rahman

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

8 22-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Complaint Case No. 1234 of 2018 registered for offence

punishable under section 498A of the Indian Penal Code and

section 3/4 of the Dowry Prohibition Act.

It is a case of matrimonial dispute under section 498A

of the Indian Penal Code as well as section 3/4 of the Dowry



Prohibition Act, amongst *inter alia* there is allegation that the petitioner who is husband of the informant, had illicit relation with one Aprim Khatoon and when the complainant queried her husband about his illicit relation with that lady, he inflicted atrocities on her and forcibly administered medicine resulting into termination of pregnancy. Lastly she was ousted from her matrimonial house.

At the assurance of the petitioner to keep his wife with full dignity and honour, the matter was referred to District Mediation Centre, Katihar, but the process of mediation failed, as reported by the Mediator, District Mediation Centre, Katihar. At the request of the learned counsel of the petitioner and the opposite party no. 2, the petitioner and opposite party no. 2 were directed to appear physically on 07.09.2022 at 04:15 P.M. for conciliation and both the learned counsels for the parties were also requested to be present. The order dated 08.09.2022 shows that the learned counsel for the opposite party no. 2 was in appearance and the petitioner and opposite party no. 2 were directed to appear physically on 22.09.2022 at 04:15 P.M.

Today, opposite party no. 2 (the victim) with her learned counsel is in appearance, whereas the petitioner (the husband) is absent and his learned counsel is present in the



Court. He submits that due to illness of his father, the petitioner could not appear today. He also expressed his unawareness of order dated 08.09.2022. The learned counsel for the petitioner refused to compensate opposite party no. 2 (the victim) for harassment and hardship suffered by her in coming to the Court and waiting for the case up-till 04:15 P.M., he flatly refused to compensate.

In my view due to this conduct, the petitioner is not entitled for anticipatory bail. Accordingly, it is dismissed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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