

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19007 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

RAKESH KUMAR S/o Suresh Pd. Saw @ Suresh Kumar R/o Torpa, PS-Torpa, District - Khuti (Jharkhand) at present residing at I.203. Agrasen Nagar Complex, Lilua Howarah, District – Howarah, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

Mr. Mayank Bilochan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 341 and 323 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant alleges that she was married to the petitioner. Further, the accused persons including the petitioner after marriage started demanding dowry of Rs.2 lacks to which the informant expresses her inability after which all the accused



assaulted and tortured her. It is further alleged that from the marriage, a daughter was born after which all the accused persons started torturing her on the ground that she gave birth to a daughter and kept pestering her for bringing Rs.2 lakhs by way of dowry or they would kill the victim and her child and perform second marriage of the petitioner. It is further alleged that on 03.05.2021 during the time of Covid the victim along with child were ousted from the matrimonial home.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that allegation of demand of dowry and torture is general and omnibus in nature. It is next submitted that both petitioner and informant had appeared before this Court on 18.10.2022 wherein the petitioner had submitted that he is willing to keep the informant with full dignity and honour. The informant, who was also physically present, was willing to accompany the petitioner and resume her relationship. Learned counsel also submits that though petitioner is willing to keep the informant with full dignity and honour but when he went to take her from parental home he was abused and assaulted and thus had to return back.

Learned counsel for the informant submits that by



order dated 18.10.2022, the interim protection was granted to the petitioner on the ground that he was willing to take the informant back and keep her with full dignity and honour but when the petitioner did not come to take her from her parental home, the case was mentioned Yesterday to be taken-up out of turn though the case was fixed earlier by order dated 18.10.2022 on 19.01.2023.

Today, when the matter is taken-up, learned counsel for the petitioner again reiterates that petitioner had gone to take the informant from her parental home but since he was abused and assaulted, as such, he had to come back on which the learned counsel for the informant submits that if what has been submitted by the learned counsel for the petitioner is true then he should have filed an application bringing the said fact to the notice of the Court that informant despite giving an undertaking before this Court that she is willing to accompany the petitioner has not accompanied him. Learned counsel for the informant further submits that when petitioner never came to take back the informant, as such, he had to mention the case for taking up out of turn and prior to the date fixed.

Considering the submission made by the learned counsel for the informant, the Court is not inclined to extend the



privilege of anticipatory bail to the petitioner in connection with
Lakhisarai Mahila P.S. Case No. 29 of 2021 pending in the
Court of learned Sub-Divisional Judicial Magistrate,
Lakhisarai/successor Court.

Hence, prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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