

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31284 of 2021

Arising Out of PS. Case No.-297 Year-2020 Thana- KALYANPUR District- East Champaran

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ABHYUDAY DWIVEDI S/O SACHIDANAND DWIVEDI Resident of 46/7,
Surendra Nath Banerjee Road, Taltala, Bazar, P.S.- Taltala, Kolkata, (West
Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Amresh Kumar Sinha
		Mr. Tej Narayan Singh
		Mr. Harsh Kr. Singh
		Mr. Ram Tujabh Singh
For the Opposite Party/s :		Mr.Jagjit Roshan
		Mr. Om Prakash Singh
		Mr. Anand Kishore Choudhary
		Mr. Sangeet Deokuliar
		Mr. Apul
		Mr. Rajeev Ranjan
		Mr. Amit Kumar

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

ORAL ORDER

7 02-08-2022 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 counsel for the informant.

The petitioner apprehends his arrest in connection

with Kalyanpur P.S. Case No. 297 of 2020 registered for offence

punishable under sections 341, 323, 498(A), 504/34 of the

Indian Penal Code and sections 3/4 of the Dowry Prohibition



Act.

As per allegation, the marriage of the informant was solemnized with the petitioner on 29.06.2018. The customary presents, including Rs.7,00,000/- cash, ornaments and other articles were given to the petitioner at the occasion of marriage. When the informant came to her matrimonial house after marriage, the petitioner and his family members tortured upon her and demanded Rs.10,000,00/-cash for purchasing a 'four-wheeler' vehicle. A daughter was born out of wedlock of the couple and thereafter, the atrocities were intensified. The parents of the informant tried their best to persuade the petitioner and his family members, but it remained nothing and a futile effort.

The learned counsel for the petitioner has submitted that the petitioner is innocent. He is in service in West Bengal Government. He has filed a complaint against in-laws of the informant.

The learned counsel for the informant has submitted that in paragraph 22 of the case diary, the statements of three independent witnesses, namely, Devnath Dubey, Ajay Dubey and Kedar Dubey were recorded. All these independent witnesses are co-villagers of the petitioner. They had also stated that they participated in the marriage from the side of the



petitioner. They had given vivid description and stated that the petitioner inflicted cruelty upon the victim for non-fulfillment of dowry demand. These witnesses have also stated that on earlier occasion, the petitioner had solemnized his marriage with another girl and he is attempting his third marriage presently and it was the reason that the petitioner is not ready to keep the victim with him.

The witnesses, whose statements have been recorded in paragraph 22 of the case diary, are independent witnesses and they are co-villagers of the petitioner. They have stated that the petitioner inflicted atrocities upon the victim and he is again planning to solemnize his third marriage with another girl.

In my view, the petitioner does not deserve the privileges for anticipatory bail. Accordingly, his prayer for anticipatory bail is hereby rejected.

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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