

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16544 of 2023

Arising Out of PS. Case No.-1128 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESH KUMAR @ RAJESH KUMAR THAKUR S/O BAIDNATH
THAKUR R/v- Gopinath Apartment, Kodra, Emobola Ara Ghana Grabe lane,
P.S.- Surat, District- Surat

... .. Petitioner/s

Versus

1. The State of Bihar
2. DOLLY DEVI W/O RAJESH KUMAR @ RAJNISH THAKUR @
TUNTUN @ RAJNISH KUMAR THAKUR D/O SRI DEVI PRASAD
THAKUR R/o- Dahuchak, P.S.- Malsalami, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey
For the Opposite Party/s	:	Mr.Md. Fahimuddin
For the O. P. No. 2	:	Ms. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 5 | 13-12-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1128 (C) of 2021, in which cognizance has been taken for the offences punishable under Section 498-A of the Indian Penal Code.3. The prosecution case, as per the complaint petition filed by the Opposite Party No. 2., is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner on 01.12.2014. Soon after the marriage, the elder brothers |
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of her husband used to keep an evil eye over her and they committed rape upon her. It has further been alleged that when the Opposite Party No. 2 informed this occurrence to her husband, her husband did not do anything since he was dependent upon his elder brothers. The petitioner and others started demanding a motorcycle by way of dowry and due to non-fulfillment of the said demand, the petitioner and others assaulted him by which her hands were fractured and they also ousted the Opposite Party No. 2 from her matrimonial home.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of false and fabricated story. He further submits that the petitioner neither demanded any motorcycle as dowry by the Opposite Party No. 2 nor assaulted her, as alleged in the complaint.
5. On the other hand, learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioner and his elder brothers used to harass the Opposite Party No. 2 mentally as well as physical for want of more dowry and the Opposite Party



No. 2 was also ousted her from her matrimonial home.

6. This matter was referred for mediation and from perusal of the mediation report, dated 16.10.2023, it is apparent that the mediation failed due to non-appearance of both the parties.
7. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is the husband of the Opposite Party No. 2, there is direct and specific allegation against him for demand of dowry and the learned Magistrate, after finding prima facie case against the petitioner, has taken cognizance, I am not inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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