

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16342 of 2023

Arising Out of PS. Case No.-211 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MAHESH YADAV son of Umesh Yadav Resident of Village- Thanapur Ps-
Goh District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kosham Devi D/O-Sardar Yadav Resident of Village- Basant Tole, Pir Bigha
Ps- Salaiya District- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh
For the State	:	Mr. Parmanand Prasad
For the O. P. No. 2	:	Mr. Rajnish Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 13-12-2023
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. 211 of 2018, in which cognizance has been taken for the offences punishable under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
 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 20.04.2013 and after sometime, the petitioner started



demanding Rs. 1,00,000/- by way of dowry and due to non-fulfillment of the said demand, the petitioner and other family members tortured the Opposite Party No. 2 physically as well as mentally and 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 amount as dowry by the Opposite Party No. 2 nor assaulted her, as alleged in the complaint. He further submits that the Opposite Party No. 2 had filed Maintenance Case No. 43 of 2018, which has been dismissed due to non-production of witnesses by the Opposite Party No. 2.
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 used to harass the Opposite Party No. 2 mentally as well as physically for want of more dowry and he has also ousted her from her matrimonial home.
6. This matter was referred for mediation and from perusal



of the mediation report, dated 09.11.2023, it is apparent that despite the best efforts of the learned Mediator, the mediation could not succeed.

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 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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