

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32866 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- MAHILA P.S. District- Patna

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Vaibhav Saxena S/o- Kamlesh Saxena R/o- House No. -2048, Gali No.-5B,
Raja Ka Bagh, Devi Road, P.S.- Kotwali, District - Mainpuri, Uttar Pradesh.

... .. Petitioner

Versus

1. The State Of Bihar
2. Richa Verma D/o- Anil Kumar R/o- Flat No.- 301, Dwadash Dham
Apartment, Gorakhnath Lane, Boring road, P.S.- Kotwali, District - Patna-
800001.

... .. Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 20-02-2023 Heard learned counsel for the petitioner and

learned APP for the state assisted by the learned counsel for

opposite party no. 2.

The Petitioner apprehends his arrest in Mahila PS
Case No. 111 of 2021 registered for the offences punishable
under Sections 323, 498A and 34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act pending in the Court of
Learned CJM, Patna.

The prosecution story in brief is that informant had
solemnized marriage with petitioner on 13.03.2019. They came
into contact with each other with matrimonial site and
accordingly the further processes were ascertained at Patna.



Informant alleged that petitioner's family sought for a sum of 45,00,000/- since petitioner was working as Commanding Officer Group Captain and further jewellery worth Rs. 13,00,000/- was also given and a sum of 12-13 Lakhs were expensed for other purposes. Informant further alleged that petitioner and his family member started torturing from the very next day of the marriage. The Informant was forced to resigned from her HDFC job. The petitioner forced the informant to sip wine and used to commit unnatural sexual recourse. The informant further alleged that petitioner not only beat the informant but also had illicit relation with other girls. Informant further alleged that she had also filed complaint about the same on 22.04.2021 but the same could not investigated further due to Covid-19.

Learned counsel for petitioner submits that petitioner is quite innocent and falsely implicated in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry.

Leaned counsel for the petitioner submits that the attitude of the informant was not good towards the petitioner



and his family members from the very next day of the marriage and when the petitioner's mother become indisposed and came to Durgapur for better treatment as petitioner was posted there, the informant rudely refused her entry into the house to which petitioner resisted and she become furious and compalined to petitioner higher officials.

Learned counsel for petitioner further submits that the petitioner is giving Rs. 27,000/- per month to the petitioner as fixed by his superior official and also submits that earlier the petitioner has instituted Divorce Case no. 221/2021 before the learned court of Principal Judge, Mainpuri and thereafter informant has registered this instant FIR.

Learned APP for the state assisted by the learned counsel for the informant/opposite no. 2 vehemently opposed the prayer for anticipatory bail submitting that petitioner and his family members have taken lakhs of amount from the father of the informant, this fact is not denied by the petitioner who is also present in the court.

Learned counsel for the informant/opposite party no. 2 submits that petitioner and his family member started torturing the informant from the very next day of marriage. Learned counsel for informant further submits that informant



want to lead her conjugal life with the petitioner if he keep her with honour and dignity but petitioner denied for the same. Learned counsel for informant submits that the petitioner is involved in dowry demand and torture.

Learned counsel for informant further submits that during COVID-19 pandemic business of petitioner's father suffered huge loss so petitioner and his father demanded lakhs of money from informant's father and when informant's father can not provide the same, petitioner badly tortured informant for the same.

Learned counsel for informant further submits that petitioner forced her to resigned her from the HDFC job and never paid any amount to informant as fixed by the petitioner's higher officials.

Considering the facts and circumstances of the case and allegations made in the F.I.R. and submissions made on behalf of the parties as well as the fact that court also tried to settle the dispute between the parties by dispensing physical appearance of both parties, in which petitioner not agreed to the terms of the court and the fact that the court tried to persuade petitioner to keep informant peacefully but petitioner denied and also considering the conduct of the petitioner, I am not inclined



to grant the petitioner the privilege of anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned court below would pass the order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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