

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37238 of 2022**

Arising Out of PS. Case No.-1342 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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UDAY KANT PANDEY S/O MANDA MOHAN PANDEY Resident of
Village- Jinjira Bazar, P.S.- Bandalu-88, District- Kolkata.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. JYOTI KUMARI W/O UDAY KANT PANDEY, D/O SUBODH PANDEY
Resident of Village- Jinjira Bazar, Mehanti Palli, P.S.- Bandalu-88, District-
Kolkata.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1342C of 2019 instituted under
Sections 498A, 323, 504 of the Indian Penal Code.

As per the prosecution story, the lady married the
accused petitioner herein in 2019 but thereafter she was tortured
for dowry and further they started demanding Rs. 20 lakh and
tried to force her into prostitution but she was ultimately got
rescued by her parents and returned to her parents' home.
Accordingly, the FIR was lodged.

On the last occasion, a coordinate bench of this Court
on 1.12.2022 while issuing notice to Opposite Party No. 2, gave



interim protection to the petitioner.

As per the office report, the notices returned unserved.

As this Court looked into the petition, it was found that while the informant-Opposite Party No. 2 has clearly stated/narrated that she is presently staying at her parents' home at Biharsharif (Nalanda), the notices were deliberately sent to the petitioner's home address at Kolkata.

Accordingly, the notice was bound to return unserved as the petitioner and/or his family members were not going to accept it.

In view of the said attitude of the petitioner who firstly mentally and physically assaulted to the lady and subsequently while filing the petition chose to give the address of his own home instead of that of his wife's parental home, this Court is not inclined to extend him privilege of anticipatory bail.

(Rajiv Roy, J)

Ajay Singh/-

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