

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39848 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- MANIYARI District- Muzaffarpur

Mithun Sahani @ Mithun Kumar S/O Late Tulsi Sahani R/O Village- Mahanth Maniyari, PS. Maniyari, Dist. Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Usha Devi W/O Mithun Sahni, D/O Kanhai Sahni R/O Village- Mahanth Maniyari Laxmipur Tola (Khata Gachhi), PS. Maniyari, Dist. Muzaffarpur. At present resident of Village- Raghapur, Narsanda Garhani Tola, Ward No. 2, PS. Patepur, Dist. Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Maniyari P.S. Case No. 262/ 2022 (GR No. 235 of 2022) registered for the offence punishable under Sections 341, 323, 498A, 504 and 34 of the Indian Penal Code (for brevity 'IPC') and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner is husband of the informant/opposite party No.2. There is allegation of cruelty and assault upon the informant for non-fulfillment of the demand for dowry. The informant has alleged that one child has also been born out of the wedlock, whereafter, the petitioner has solemnized another



marriage and has ousted her from her matrimonial home.

4. From the impugned order dated 16.11.2022, passed by learned Sessions Judge, Muzaffarpur, it is apparent that the petitioner was present in person in the court when his prayer was being considered, wherein, he has flatly refused to maintain his wife. The arrogant demeanour of the petitioner has also been taken cognizance of by the learned Sessions Judge.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail. It is submitted that the petitioner has criminal antecedents. The petitioner, who is husband of the opposite party no.2/ informant, owing prime responsibility, should not be privileged with anticipatory bail.

6. Considering the rival submissions, as also the fact that the petitioner is husband of the opposite party no.2/ informant owing prime responsibility and the antecedents of the petitioner, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP for the State. This Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Prayer is rejected.

(Madhuresh Prasad, J)

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