

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48853 of 2023**

Arising Out of PS. Case No.-3137 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Akhileshwar Saini S/O Bindeshwari Prashad Saini @ Bindeshwar Prasad Saini R/O Village- Hariharpur, P.S- Hajipur Sadar, Distt.- Vaishali at Hajipur, At present Resident of Mohalla- Musiganj Shyamnath Road, behind Tiwary Builders, P.S- Sitapur, Distt.- Sitapur(U.P).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari W/O Akhileshwar Saini, D/O- Rajeshwar Bhagat R/O Village- Repura, Ganga Ram Ram Tola, P.S- Lalganj, Distt.- Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachin Kumar
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2023 Heard both parties.

2. The petitioner apprehends his arrest in Complaint Case No. 3137 of 2019, registered for the offences punishable under Section 498(A) of the Indian Penal Code.

3. As per the complaint petition, complainant was married with the petitioner in the year 2013. After marriage, complainant was subjected to ill-treatment and harassment for dowry. Finally, she was compelled to leave the matrimonial house and took shelter at her parents home.

4. It is submitted by the counsel for petitioner that petitioner being the husband of the complainant never demanded dowry or neither committed torture to the



complainant. It is further submitted that petitioner had filed a restitution case vide Case No. 413 of 2017 before the Family Court, Sitapur, Uttar Pradesh for restitution of conjugal right and the complainant is not ready to live with her. Thereafter, petitioner had filed a divorce case before the Family Court, Sitapur, Uttar Pradesh. It is further submitted that petitioner is still ready to keep his wife (complainant) with full honour and dignity.

5. However, counsel for Opposite Party No. 2 opposed the prayer for bail and submitted that mediation was held in the court below where this petitioner refused to keep the complainant. Thereafter, learned court has directed this petitioner to pay maintenance of Rs. 5,000/- per month for the complainant and Rs. 3,000/- per month for her daughter, but till date not a single farthing has been paid to the complainant.

6. Considering the nature of accusation and conduct of the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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