

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52911 of 2023

Arising Out of PS. Case No.-1684 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Abhishek Kumar Chandan, Son of Kamta Prasad, Resident of New Bypass Road Jhumri Tilaiya, P.S. - Jhumri Tilaiya, District - Kodarma. At present C/o 64, Madhumitra Estate Bengal Sendra Road Near Vinayak Nagar, P.S. - Jigni, District- Bengaluru (Karnataka)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navidita Nischal, Wife of Abhishek Kumar Chandan, D/o Jitendra Prasad, Resident of M/S 137, M.L.A. Colony, B.M.P. Road Ashiyana Raja Bazar, P.S. - Hawai Adda, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Barun Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 1684(C) of 2016, wherein cognizance has been taken under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, it is stated by the complainant that she was married to the petitioner in the year 2009. In the marriage, her parents had given cash to the tune of Rs.8 Lacs as also gifts and ornaments. It is stated that soon after the marriage, the accused persons especially the petitioner herein started to torture her. She was locked in a room and food



was not provided. The petitioner also assaulted her insisting that she should ask her parents for money. As a result of her communicating the same to her father, her father transferred certain amounts in the name of the petitioner as also his sister's husband. In the year 2010, she was sent to her parent's place. In the year 2015, under a conspiracy, the accused took away her passbook, ATM, certificates as also jewellery and she was once again sent back to her parent's place. As such, the instant complaint. Cognizance was taken in the year 2017.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case as a result of on going disputes between the parties. There are a number of cases pending between the petitioner and the complainant which includes maintenance case filed in the family Court at Patna, a matrimonial case filed before the Principle Judge, family Court at Bangalore, Karnataka as also a case relating to domestic violence filed at Danapur, Patna. It is further submitted that it is for this reason that the petitioner, who happens to be the husband, has been falsely implicated in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegation in the complaint together with the fact that the complaint was filed in the year 2016, cognizance was taken in the instant case in the year 2017 and the application for anticipatory bail was filed by the petitioner six years later only in the year 2023, together with the nature of allegation as contained in the complaint, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

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