

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56951 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- BARH District- Patna

CHANDAN KUMAR @ CHANDAN KUMAR YADAV SON OF VIJAY RAY R/O VILLAGE- DHARAMPUR, P.O.- PHULELPUR, P.S.- ATHMALGOLA, DISTT.- PATNA, PRESENTLY RESIDING AT ADARSH NAGAR, GALI NO.1, P.S.- KENT, DISTT.- GORAKHPUR (UTTAR PRADESH), PIN-273008 Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-01-2023 Learned counsel for the petitioner submits that the statement made in paragraph 12 of the anticipatory bail petition, it was stated that he wants to live peacefully with the informant. However, in changed circumstances, he may be permitted to withdraw the same and would like to be heard on merit.

Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner apprehends his arrest in connection with G.R. No. 1422 of 2021 arising out of Barh P.S. Case No. 400 of 2021 for the offence registered under Sections 341, 323, 307, 379, 312, 498(A), 504, 506 and 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

As per the prosecution story, the informant alleged that she got married to the petitioner on 30.11.2020 and Rs. 8



lakhs were given as dowry. She remained at his native place in Bihar for some time and then went to Gorakhpur and whenever her father-in-law used to visit her house on vacation, she was abused/misbehaved as also beaten. The allegation is that the mother of the informant repeatedly requested them and explained them the financial condition stating that she is dependent on her own pension but that failed on the deaf ear of the petitioner's side and the torture continued.

In the FIR, it has also been alleged that the elder brother of the informant's husband who keeps an unlicensed pistol always used to show and threatened her. The last allegation is that when she was pregnant, the accused persons hit her in her stomach which resulted into bleeding and ultimately abortion took place. This happened on 30.03.2021 whereafter on 09.04.2021 again she was beaten by the accused-petitioner as well as her family members.

On 13.05.2021, when the brother of the informant came to meet her, he was beaten and further allegation is of trying to administer poison.

Lastly, on 16.05.2021 when her family members came to take her, the jewellery and the amount that was in the luggage was snatched. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that for the same allegation FIR as well as complaint has been lodged/filed and as such, the FIR being the later one, he deserves relief. The further submission is that although earlier he wanted to patch up the matter, now he want to move ahead and live separately from the lady.

Mr. Dipak Kumar Singh, learned counsel for the informant submits that a bare perusal of the FIR would show that within six months of the marriage, she was kicked out of the house and in between not only she was beaten, situation was created which resulted into her abortion as such, he opposes the prayer for bail.

Considering the kind of allegation that has come against the husband who having solemnized with the lady was there to protect her but ultimately failed in his duty, so far as the prayer for anticipatory bail is concerned, this Court is not inclined to extend him the relief of anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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