

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66767 of 2022

Arising Out of PS. Case No.-90 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Nav Krishna Kumar @ Mahto Son of Sri Sadanand Mahto Resident of
Village- Jawahar Nagar Daini, Kajha, P.S.- K.Nagar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sadhna Kumari D/O Sri Dilip Kumar Resident of Village- Daini, Kajha,
P.S.- K.Nagar, District- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Kanhaiya Kishore, (APP 100)
For the Opposite Party/s	:	Mr. Arvind Kumar, Advocate
		Mr. Nishant Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-05-2023 Heard learned counsel appearing on behalf of the

petitioner, learned Additional Public Prosecutor appearing on

behalf of the State and learned counsel appearing on behalf of

the opposite party.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the complaint
petition and apprehending his arrest in connection with
Complaint Case No. 90 of 2020 in which cognizance has been
taken for the offences punishable under Sections 498-A and 307
of the Indian Penal Code (in short 'I.P.C.') and under Section 04



of the Dowry Prohibition Act.

The allegation against this petitioner is to commit cruelty upon his wife/opposite party due to non-fulfillment of demand of dowry and also to assault her with intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that no injury, as alleged, caused to informant by petitioner being husband for the reason that no medical report/injury report is available in support of allegation as raised through complaint. It is submitted that allegation as regard to demand of dowry is not specific against this petitioner rather same is appearing very much general and omnibus as same was raised against all family members without specifying any date and event. It is submitted that despite of the best contribution on the part of petitioner, unfortunately, mediation failed between the parties.

Learned APP duly assisted by learned counsel Mr. Arvind Kumar appearing on behalf of the O.P. No. 2/wife, while opposing the prayer of bail submitted that due to reluctant approach of petitioner, mediation was failed. It is submitted that petitioner already solemnized his marriage during subsistence of present marriage with opposite party/complainant without



getting his marriage dissolved under due process of law.

Considering the aforesaid facts and circumstances as mentioned above, as mediation failed between the parties, where petitioner solemnized his another marriage during subsistence of present marriage with opposite party/complainant, accordingly, the prayer of his anticipatory bail is rejected herewith.

(Chandra Shekhar Jha, J)

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