

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32096 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- AMNAUR District- Saran

Pankaj Singh @ Pankaj Kumar Singh S/O- Narendra Singh @ Narendra Kumar Singh R/O- Village, Dharhara, P.S- Amnour, District- Saran

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Priyatma Devi W/O- Pankaj Kumar Singh, D/O- Vijay Singh R/O- Village-Dharhara, P.S.- Amnour, District - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP
For the informant : Mrs. Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard Mr. Hemant Kumar, learned counsel for
the petitioner, learned APP for the State and Mrs. Alka Verma,
learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Amnour P.S. Case No. 209 of 2023 for the offence under Sections 341, 323, 498(A), 379, 307 of the Indian Penal Code and Section 3/4 of the D.P. Act lodged on 03.09.2023 by the informant Priyatma Devi.

3. As per the prosecution story, the complainant alleged that the marriage was solemnized on 04.12.2014 with the petitioner but was regularly tortured for dowry. Further, on protest, she was abused/assault. Two children were born from



the wedlock and the complainant repeatedly requested to maintain her as also the children but the request was unheeded. Later, the allegation is that the accused attacked with a rod on the complainant on 25.06.2023, snatched her cloths, ornaments. The children were also taken away from her and later, she was ousted. She came to know that the a Divorce Case has also been filed by him. Accordingly, the complaint filed which laid to Amnour P.S. Case No. 209 of 2023.

4. Learned counsel for the petitioner submits that the marriage took place in the year 2014 and she always used to be cruel. Though, two children were born out of wedlock, as he went to Europe for his livelihood, the lady went to her parent's home without information. She also left the children and took away her gold ornaments. Upon his return, he failed to meet her, filed Matrimonial suit for Divorce before the learned Additional District and Sessions Judge, Durgapur which is pending.

5. Mrs. Alka Pandey is representing the complainant/informant and according to her, the petitioner never wanted to keep her. He went to Europe and is presently is in Denmark whereas she due to her two children always tried to live with the family but was ousted from even the petitioner's parent's home. It is her further submission that both her mother



and father being no more in this world, as she has been ousted from in laws house, is presently living with her married sister at Chapra and not a single penny is being paid by the petitioner. She is thus at the mercy of the sister/her husband and cannot continue for long and may soon have to leave the place. She will once again become shelterless and reiterates that no care/expenses is/are being borne by the petitioner. She submits that while the petitioner is enjoying the cosy life of Denmark, she is suffering everyday without family, children and a Matrimonial Case at Durgapur and do not have money to fight it out at such a distant place.

6. She submitted that repeatedly she tried to live even with the parents in law if the husband is not ready to keep her for the sake of her two children but even that has been denied and now deliberately to harass her mentally, physically and economically, the Matrimonial Suit has been filed far away at Durgapur.

7. Taking into account the aforesaid facts, the allegation that has come against the petitioner as also that there is allegation of assaulting her by a rod which finds incorporated in the complaint. She was at time saved by the neighbours, the children have been kept away from her, she has been left at the



mercy of her sister inasmuch as not a single penny is being paid so that she can live even a normal life. This despite the fact that she is still his legally wedded wife and has a right to live at par with her husband.

8. In that background, no relief can be extended to him. The anticipatory bail application of the petitioner is rejected.

(Rajiv Roy, J)

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