

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45444 of 2024

Arising Out of PS. Case No.-1093 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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PREM KUMAR SON OF YUGAL SINGH RESIDENT OF VILLAGE -
GAJIPUR, POLICE STATION - AKBARPUR, DISTRICT - NAWADA
... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MONIKA KUMARI WIFE OF PREM KUMAR, DAUGHTER OF
SURENDRA PRASAD RESIDENT OF VILLAGE - SHIVNAGAR,
POLICE STATION AND DISTRICT - NAWADA
... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Birendra Kumar, Advocate
For the Opposite Party/s :	Mr.Tapeshwar Sharma, APP
	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-10-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the O.P. No.2.
2. The learned counsel appearing on behalf of the O.P.
No.2 submits that before the learned District Court the case was
referred for mediation, but then mediation failed, on which the
learned counsel appearing on behalf of the petitioner submits
that the case be referred before a learned Mediator of the High
Court, on which the learned counsel appearing on behalf of the
O.P. No.2 submits that petitioner is not interested in keeping the
O.P. No.2 with honour and dignity, rather only for the purpose
of seeking stay a submission has been made that the case be



referred for mediation when petitioner is not interested in reviving his conjugal rights or else the mediation before the learned trial court would have succeeded.

3. The learned counsel appearing on behalf of the O.P. No.2 next submits that the O.P. No.2 was married to the petitioner in the year 2019 and on account of non-fulfillment of the dowry demand as alleged in the complaint she was ousted from her matrimonial home in the year 2022. It is next submitted that after the O.P. No.2 was ousted from her matrimonial home the petitioner never bothered to even find out that how O.P. No.2 is surviving in absence of financial support from the petitioner. It is also submitted that petitioner is a drunkard and he use to assault and torture the O.P. No.2 as she was not in a position to fulfill the dowry demand.

4. The learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned counsel of the O.P. No.2 submits that no financial support has been given to the O.P. No.2 from the date of her ouster from her matrimonial home.

5. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the



petitioner, accordingly, the anticipatory bail application is rejected.

6. At this stage, the learned counsel appearing on behalf of the petitioner submits that the mediation failed before the trial court and not before the Mediation Center of the Patna High Court, on which the learned counsel appearing on behalf of the O.P. No.2 submits that this is the attitude of the petitioner that he is only interested in mediation, but then is not interested in supporting his wife.

(Satyavrat Verma, J)

Prakash Narayan

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