

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46812 of 2023

Arising Out of PS. Case No.-386 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

SUMIT RASTOGI @ GANDHI @ SUMIT KUMAR RASTOGI S/O LATE
AJAY RASTOGI R/O VILLAGE/ MOHALLA- KUDRA BAZAR, PS.
KUDRA, DIST. KAIMUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SRIMATI JYA GUPTA W/O SRI SUMIT RASTOGI @ GANDHI R/O
VILLAGE- KUDRA BAZAR POST OFFICE GALI, PS. KUDRA, DIST.
KAIMUR. AT PRESENT ADDRESS- VILLAGE- BHARANDUA, POST-
PS. CHENARI, DIST. ROHTAS

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramanuj Tiwary
For the Opposite Party/s	:	Mr. Bharat Lal
For the O.P. No. 2	:	Mr. Kanhaya Lal Bhaskar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
O.P. No. 2.

2. The petitioner apprehends his arrest in connection
with Rohtas Complaint Case No. 386(C) of 2021 registered for
the offences punishable under Sections 498A, 323 and 504 of
the Indian Penal Code.

3. Learned counsel for the O.P. No. 2, at the outset,
submits that petitioner and the O.P. No. 2 were married in the
year 2010 and out of the wedlock, two children were born, but
thereafter the petitioner started torturing the O.P. No. 2 for
dowry. It is next submitted that petitioner after some time even
performed his second marriage with Chulbul Pandey @



Anupama Rai. It is thus submitted that the petitioner has caused immense mental torture to the O.P. No. 2 by performing his second marriage and at the same time has left all the responsibilities of the children.

4. Learned counsel for the petitioner vehemently disputes the said submission of the learned counsel for the petitioner and submits that petitioner is still willing to keep the O.P. No. 2 with honour and dignity along with the children, on which learned APP points out that there is a specific allegation in the complaint case that petitioner has performed his second marriage but there is no rebuttal of the same in the anticipatory bail application which prima facie demonstrates that the petitioner has performed his second marriage or else the petitioner would have denied the said allegation at least.

5. Considering the submissions made by the learned APP for the State, the Court is not inclined to entertain the anticipatory bail application of the petitioner.

6. Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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