

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73386 of 2024

Arising Out of PS. Case No.-2462 Year-2011 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Bijendra Rai S/o Late Ram Sagar Rai @ Jagat Rai R/o Chek Post Didarganj,
P.S. - Didarganj, Distt.- Patna, Present R/o Sathgaon Rail Line Purvesh Nagar,
P.O.- C.D.O., P.S. - Sathgaon, Distt. - Guhathi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Kumari D/o Sipahi Rai R/o Hilalpur Madarpur, P.s. - Gangabridge,
Distt. - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-11-2024 This is a second application for grant of anticipatory

bail on behalf of the petitioner in connection with Complaint

Case no. 2462 of 2011 registered under section 498A of the

Indian Penal Code and sections 3 and 4 of the Dowry

Prohibition Act, the earlier application having been withdrawn

vide order dated 9.7.2015 passed in Cr. Misc. no. 50964 of

2014.

2. As per the prosecution case, the complainant was

married to the petitioner herein in the year 2006. Soon thereafter

the accused persons including the petitioner herein who was

having illicit relations with the complainant's *jethani*, started to

assault, abuse and torture the complainant. She was forced out



of the house in the year 2011 and thus the complaint.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. Though the earlier application for bail was moved vide Cr. Misc. no. 50964 of 2014, the same was withdrawn on 9.7.2015 by the learned counsel without any instructions of the petitioner and withdrawal of the same not having been communicated to the petitioner, hence the delay in filing this fresh application. It is submitted that the petitioner is employed in the army and there is no chance of his absconding. Further in reference to the statement made in paragraph no. 12 of the petition it is submitted that the petitioner is ready to restore his conjugal relationship with the complainant and is ready to look after the complainant as also the children. The petitioner has no criminal antecedent.

4. Heard learned A.P.P for the State.

5. Having heard learned counsel for the parties and taking into consideration the allegations in the complaint case against the petitioner who happens to be the husband of the complainant, cognizance having been taken and summons having been issued against the petitioner as far back as in the



year 2013, the petitioner having moved on earlier occasion for anticipatory bail which was finally withdrawn vide order dated 9.7.2015 passed by this Court in Cr. Misc. no. 50964 of 2014 and the petitioner renewing his prayer for anticipatory bail 9 years after the said order of withdrawal and 13 years after institution of the complaint case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

6. The petitioner is directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

Harsh/-

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