

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.523 of 2023

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA PS District- Jamui

SANTOSH KUMAR Son of Dasrath Prasad Resident of- Sahjoli, Post and
Thana- Shahpur, District- Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad

For the Opposite Party/s : Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 10 18-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the OP No. 2.
2. The petitioner apprehends his arrest in connection
with Jamui Mahila P.S. Case No. 9 of 2021 for the offences
punishable under Section 498A of the Indian Penal Code and
Sections 3 and 4 of Dowry Prohibition Act.
3. The learned counsel for the OP No. 2, in
compliance of the order dated 28-3-2024, has filed a counter-
affidavit bring on record the name of the woman with whom
petitioner is staying at Delhi and in support of the same, has also
showed certain photographs in the Court.
4. It is submitted by learned counsel for the OP No. 2
that petitioner, being husband, is not willing to keep the OP No.



2 with honour and dignity, rather stays with the lady whose name along with address has been disclosed at para-3 of the counter-affidavit. It is further submitted that from perusal of the order impugned, it would manifest that the learned Sessions Judge, Jamui while dismissing the anticipatory bail application of the petitioner, had recorded that the OP No. 2 herein had given an application before C.A.W. Delhi and her matter was sent for mediation where it was ordered that petitioner will maintain the informant and her child and will also pay Rs. 4,000/- for miscellaneous expenses, but then the petitioner did not pay any heed to the order passed in the mediation proceeding and left the informant in a helpless condition.

5. On query of the court from the learned counsel appearing on behalf of the petitioner that as to whether the petitioner is maintaining the OP No. 2 or not, or is paying the amount as has been recorded in the order impugned, the learned counsel for the petitioner submits that he has no instruction on the issue.

6. The court completely fails to appreciate the said submission.

7. Since it has been specifically pleaded in the counter-affidavit that petitioner is not taking care of the OP No.



2 and is residing with another lady and is also not maintaining the OP No. 2, as such the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the present anticipatory bail application is dismissed.

(Satyavrat Verma, J)

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