

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75890 of 2023

Arising Out of PS. Case No.-421 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

=====

VIKASH GIRI SON OF DEONATH GIRI R/O VILLAGE- BAWANAGANJ,
JALALPUR, P.S.- DARAUNDA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. 1.) NEHA DEVI WIFE OF VIKASH GIRI, D/O SRI MANOJ BHARTI R/O VILLAGE- BAWANAGAJ, JALALPUR, P.S.- DARAUNDA, DISTRICT- SIWAN. AT PRESENT R/O VILLAGE- GHURGHAT KE MATHIYA, P.S.- SISWAN, DISTRICT- SIWAN

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Rajesh Kumar, APP
For the Opposite Party no.2	:	Mr. Harsh Anuj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 24-06-2024 Heard learned counsel for the petitioner and the

State as also the opposite party no.2.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 421 of 2019 instituted under Section 323, 498(A), 406 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act filed on 2.3.2019 by the complainant, Neha Devi.

3. As per the prosecution story, the complainant alleged that she got married in the year 2017 but regularly tortured for dowry despite the fact that appropriate dowry/cash amount/motorcycle was/were given by her father to the



petitioner, same has been detailed out in the complaint.

4. The allegation is that on 2.2.2018, she was finally ousted from the in-laws' house after the assault and taking all the dowry amount. In between, she also had to remain without food for days.

5. Before the learned Sessions Judge, Siwan, the petitioner gave an undertaking that he is ready to keep his wife with full honour and dignity but on the day, on 22.12.2022, when the order was passed, he chose to absent himself and further statement was made on his behalf that he is not ready to keep his wife. Accordingly, his anticipatory bail was rejected.

6. Subsequently, the matter was taken by a coordinate bench of this Court and while issuing notice to the opposite party no.2, interim protection was granted to the petitioner.

7. On 19.3.2024, with the consent of the parties, this Court sent the matter to the Mediation Center for an amicable settlement.

8. Later, the case was taken up by this Court and as per the Mediator's report, the matter was taken up on 29.3.2024, 5.4.2024 and 8.4.2024 but the petitioner chose not



to appear any of the date fixed though opposite party no.2 appeared on 29.3.2024 and 5.4.2024. Accordingly, he reported that the mediation failed.

9. On the last date of hearing, 26.4.2024, it was informed by the learned counsel for the petitioner that now even he do not have any idea where the petitioner is living and as such he failed to communicate with him.

10. In that background, notice was issued to him and the process was completed by the office of Patna High Court itself.

11. Today, the matter has been taken up when both the petitioner as well as the opposite party no.2 are present. The petitioner has confirmed that he has solemnized second marriage and further is not ready to keep his wife.

12. This Court has gone through the complaint and the allegation made by the opposite party no.2. There is allegation of assault, keeping her hungry but not providing food for days and further on the fateful day, was assaulted and thrown out of the in-laws' house. Further, despite having married the opposite party no.2, he solemnized another marriage.

13. In that background, this Court does not deem it



fit and proper to extend him the privilege of anticipatory bail which is accordingly rejected. The interim protection granted also stands revoked.

14. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

