

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86304 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Pramod Kumar @ Pramod Kumar Yadav S/O Chandeshwar Yadav Village-
Basudeopur, Ps. Sadar, Dist. Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi W/O Pramod Kumar @ Pramod Kumar Yadav Village-
Basudeopur, Ps. Sadar, Dist. Darbhanga At Present D/O Kapildev Yadav,
R/O Village- Uchhal, P.O-Uchhal, Ps. Basopati, Dist. Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhumala Kumari, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In view of the order dated 08.05.2024, the
petitioner as well as his wife is present in person today in the
Court itself.

3. The petitioner apprehends arrest in connection with
Madhubani Complaint Case No. 164 of 2022, instituted for the
offence punishable under Sections 341, 323, 504, 379 and 498
(A) of the Indian Penal Code.

4. The prosecution case, in short, is that the
complainant got married to the petitioner on 19.05.201
according to Hindu rites and customs. After marriage, she went



to her matrimonial house where she spent only 15 days. After that, the accused started demanding Rs. 2 lacs in the form of dowry. Due to non-fulfillment thereof, accused assaulted her and starved her. Ultimately after snatching her personal belongings, they ousted her from the matrimonial house.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner never demanded any dowry nor gave any mental or physical torture to the complainant rather the present case has been lodged only to harass and humiliate the petitioner. Lastly, it has been submitted that he has no criminal antecedent.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. It appears that earlier the matter was referred for mediation and thereafter both the parties decided to live together in terms of the memorandum of agreement dated 13.03.2004 and accordingly both the parties are living together. On the last date i.e. 08.05.2024, learned counsel for opposite party no. 2 informed the Court that the petitioner is again torturing her and thereafter the court directed for personal appearance of the petitioner as well as opposite party no. 2.



8. The wife of the petitioner, who is present in person in the Court complains before the Court that the petitioner always used to assault and torture her due to non-fulfillment of dowry demand. It appears that the complainant also appeared in the lower court and submitted that no effort was made by the petitioner in terms of undertaking given before the lower court.

9. In view of continuous torture and assault by the petitioner upon his wife even after giving undertaking that she will be kept with full dignity and honour, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

10. Accordingly, the prayer of the petitioner for grant of anticipatory bail application is rejected.

11. This application stands dismissed.

12. Interim protection granted to the petitioner by order dated 29.01.2024 is hereby withdrawn.

(Khatim Reza, J)

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