

Shyam Bihari Sah vs The State Of Bihar on 9 January, 2020

Author: Vinod Kumar Sinha

Bench: Vinod Kumar Sinha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67326 of 2019
Arising Out of PS. Case No.-1078 Year-2017 Thana- BUXAR COMPLAINT CASE
Buxar

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SHYAM BIHARI SAH Son of Daroga Sah Resident of Village - Khiri, P.S.-
Rajpur, District- Buxar.

... .. P
Versus

1. THE STATE OF BIHAR
2. Kusum Devi Daughter of Gopal Sah Resident of Village - Bahuwara, P.S.-
Rajpur, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-01-2020

Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1078(c) of 2017 instituted for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

As per complaint case petitioner happens to be husband of the complainant and there is allegation against him that he assaulted her and tried to kill her.

Submission of learned counsel for the petitioner is that whole allegation is false and concocted and he is still ready to keep her with dignity and care and that stand has already been taken in the court below also and one after another cases have been filed against the petitioner, including case under Domestic Patna High Court CR. MISC. No.67326 of 2019(3) dt.09-01-2020 Violence Act.

Heard learned APP, who has opposed the prayer for anticipatory bail on the ground that impugned order disclosed that even after compromise petitioner has not kept his wife with him with dignity and care, as such anticipatory bail petition has been rejected by learned Sessions Judge.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. He has to surrender and pray for regular bail. Petitioner is at liberty to persuade the complainant-wife to reside with him and if both the parties appear while filing iof bail application by the petitioner, the same shall be considered by learned court below.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J) spal/-

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