

(2020) 07 PAT CK 0150

Patna High Court

Case No: Criminal Miscellaneous No. 77914 Of 2019

Chhotelal Paswan

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision: July 10, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 323, 406, 498(A), 504, 506

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Sangeet Deokuliar, Md. Arif, Priyajeet Pandey

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.
2. Heard Mr. Sangeet Deokuliar, learned counsel for the petitioner; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State and Mr. Priyajeet Pandey, learned counsel for the informant.
3. The petitioner apprehends arrest in connection with Pipra PS Case No. 294 of 2019 dated 25.08.2019, instituted under Sections 498(A), 323, 406, 504, 506/34 of the Indian Penal Code.
4. The allegation against the petitioner, who is husband of the informant, is of harassment, torture, assault and demand of dowry.
5. Learned counsel for the petitioner submitted that the marriage took place in the year 2007 and after twelve years, the case has been filed, which

itself goes to show that the allegations are false. It was submitted that it is the informant who behaved in an arbitrary manner and tortured the parents of the petitioner due to which he was forced to first try for conciliation which failed and, thereafter he has filed a suit for divorce which is still pending.

It was submitted that only when the suit for divorce was filed, the informant has filed this case.

6. Learned APP submitted that the informant having three children without any support from the petitioner clearly indicates that the torture is on the part of the petitioner and not the wife.

7. Learned counsel for the informant submitted that she is living with three children without any monetary or otherwise support from the petitioner, who is working in Kolkata. It was submitted that though she is living in the matrimonial home, but the parents and other relatives of the petitioner keep on abusing and torturing her. It was submitted that all the three children being fully aware of the circumstances have supported the allegations made by the informant against the petitioner. It was submitted that the petitioner does not provide any monetary support and only a few days ago, he has

sent rupees five thousand knowing fully well that the present case was to be taken up for hearing.

8. Having considered the facts and circumstances of the case and learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.