

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28390 of 2014**

Arising Out of PS.Case No. -100 Year- 2014 Thana -BATHNAHA District- SITAMARHI

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1. Satyajeet Bhagat Son of Ram Shreshatha Bhagat R/o Village - Haribela,  
P.S. - Bathanaha, District - Sitamarhi  
2. null null null

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**  
ORAL ORDER

5 30-01-2015

Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 323, 379, 498 (A), 307 and 34 of the I.P.C.

Allegedly, the Complainant was married with the petitioner according to Hindu rites and customs on 14.11.2013 and due to non fulfillment of demand of dowry by way of Rs. 2,00,000/- in cash and one motorcycle she was tortured and when the Complainant became pregnant she was being assaulted by the accused persons resulting abortion took place and on 06.03.2014 all the accused persons brutally assaulted the informant and attempted to kill her by pouring kerosene oil on her body but due to alarm being raised she was saved by neighbours. The petitioner is husband.

Submission is that the petitioner has filed a suit for declaring his marriage as null and void in the Court of Family Judge, Sitamarhi. The marriage was performed forcefully after causing threats. The Complainant was pregnant from earlier before the alleged marriage. The petitioner has never developed sexual relationship with the Complainant and as such the petitioner deserves sympathetic consideration, to which the learned counsel for the informant and the learned A.P.P. opposes.

Considering that in the matrimonial case allegation has been leveled against the Complainant which also amounts to cruelty and further as alleged the petitioner has tortured her and assaulted her resulting she was aborted and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Bathanaha P.S. Case No. 100 of 2014 pending in the Court of C.J.M. Sitamarhi.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on the same day on its own merits without being prejudiced by the order of this Court.

Abhay/-

**(Jitendra Mohan Sharma, J)**

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