

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38682 of 2014

Arising Out of PS.Case No. -267 Year- 2014 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Abhinash Thakur @ Abhinash Kumar @ Bablu Thakur S/o Baliram Thakur
R/o vill.- Patahi Roop, P.S.- Sadar, Dist.- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Ajay Kumar-II(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-03-2015

Heard learned counsel for the parties.

The moment this Court would find that the petitioner faces allegation for offence under sections 498A, 494, 341, 323, 379. and 506/34 of the Indian Penal Code and that the petitioner in the life time of his first wife has married another lady, there would be no question of either this case now to be sent for mediation and some sort of compromise because on account of conduct of the petitioner the first wife with child has become destitute. This Court has clearly asked the petitioner as to whether he was ready to support his first wife either by removing the second wife from his house or atleast to maintain his for 1st wife and the child but the answer of the petitioner is in negative. The amount of Rs.2,000/- per month offered by learned counsel for the petitioner

being absolutely low to maintain his wife and child, this Court, would find that no genuine offer for maintenance for his wife and child has come from the petitioner who somehow has sought to infact justify his second marriage on the ground that it was performed with the consent of the first wife. This Court however fails to understand as to how an exception can be carved out under section 494 of the Indian Penal Code for the petitioner, a Hindu male by coining the concept of consent for avoiding the first marriage. Thus the allegations made against the petitioner for the present appear to be prima facie true.

That being so, this Court is not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, accordingly, rejected.

(Mihir Kumar Jha, J)

surendra/-

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