

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14954 of 2014

Arising Out of PS.Case No. -969 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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Ramji Sah Son Of Arjun Sah Resident Of Village - Parsanda, P.S.- Gidhaur,
District - Jamui

.... Petitioner

Versus

1. The State Of Bihar
2. Soni Devi W/o Ramji Sah and D/o Jugal Sah R/o village Siyatand, P.S.
Simultala, District Jamui

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amar Prakash, Advocate

For the Opposite Party No. 2 : Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

10 04-11-2015 Heard learned counsel for the petitioner and the

opposite party no. 2.

It appears from that the petitioner and the opposite party
no. 2 had submitted that they are ready to live together and in
above view of the matter the petitioner was directed to visit her
and take her along with him. Matter was directed to be posted on
25.3.2015 and on that occasion both sides were required to file
their respective affidavits.

Learned counsel for the opposite party no. 2 has stated
that the petitioner never came to take his wife with him and, thus,
has violated the direction of this Court . However, no affidavit
has been filed till date on her behalf despite indulgence was
granted.

If the petitioner did not comply the order within two weeks from 24.9.2014, as was required to be done, then the wife could have immediately moved before this Court by filing affidavit regarding violation of the direction of this Court but she did not take such step.

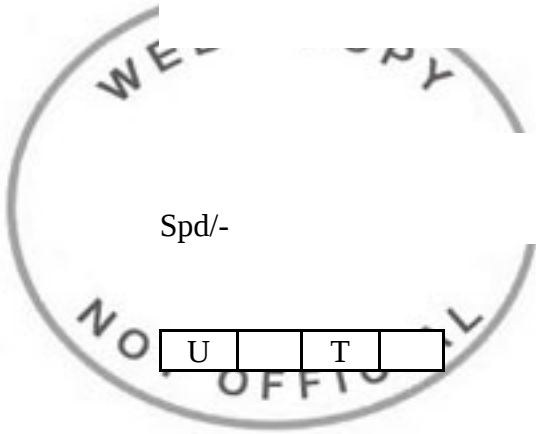
Today a supplementary affidavit has been filed on behalf of the petitioner which was served on 28.9.2015 itself upon opposite party no. 2. A statement has been made in the affidavit that the petitioner along with his family members had approached the opposite party no. 2 on 5.10.2014 itself with an offer that she should come and live with him but she did not comply the direction of this Court. It is further stated that on 10.11.2014 she had re-married with on Kamal Sah, son of Mathura Sah resident of village Dokali, P.S. Sono, District Jamui and she is enjoying her conjugal life. It has further been stated that she is in family way also, the pregnancy being of more than seven months.

Despite such affidavit having been filed, no counter affidavit, rejoinder etc. has been filed on behalf of the opposite party no. 2. Learned counsel appearing on her behalf has simply stated that he has no instruction on this issue.

Having regards to the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner

vide order dated 20.05.2014 is hereby made absolute.

This application, accordingly, stands disposed of.



(Dr. Ravi Ranjan, J)