

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21102 of 2015

Arising Out of PS.Case No. -76 Year- 2014 Thana -KEOTI District- DARBHANGA

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Ajay Kumar son of Raj Kishore Sah resident of Village - Laxamipur, P.S. -
Kaluhai, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Smt. Soni Devi daughter of Sri Dinesh Sah resident of Village -
Chhatwan, P.O. - Chhatwan, P.S. - Keoti, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

5 08-10-2015

Heard learned counsel for the petitioner and learned

counsel for the opposite party no. 2.

. The date 8th of October, 2015 had been fixed in
presence of learned counsel for the petitioner and also learned
counsel appearing on behalf of the opposite party no. 2. The
opposite party no. 2 is present in Chamber as per the earlier
direction dated 29.09.2015 whereas the petitioner fails to appear
before this Court and the excuse being offered for his absence is
that he is suffering and is having temperature. Prior to this also, it
has been observed by a Bench of this Court vide order dated
02.09.2015 that if no one appears on behalf of the petitioner the
interim protection which was granted in favour of the petitioner
stands vacated, despite such specific direction, the petitioner has
not appeared today in chamber.

Since the opposite party No. 2 has undergone massive mental torture on account of his peculiar acts, it had necessitated her to file the present case.

That apart since interim maintenance matter is pending before the Court Below in which no order has yet been passed on account of the failure of the petitioner to appear in the maintenance matter, it is not desirable that the petitioner be granted any further indulgence.

It is submitted by the learned counsel for the petitioner that opposite party no. 2 has not appeared in the Court below where the petitioner has filed a case for restitution of conjugal rights but opposite party no. 2 submits that she has come here today with an open mind to go with the petitioner that if the petitioner assures her as he has stated in the petition that he is willing and ready to keep his wife with full dignity and honour. However, the same is possible only if there is no concubine in the picture.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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