

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51216 of 2014

Arising Out of PS.Case No. -185 Year- 2014 Thana -BRAHMPUR District- BUXAR

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1. Mohanjee Yadav son of Shivajee Yadav, resident of Village- Nawadih,
P.S.- Brahampur, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Daughter of Chandrama Singh, and wife of Mohanjee Yadav.
At present residing at Village- Finage, P.S.- Bihia, District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

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

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 09-07-2015 Heard.

The wife had alleged against the petitioner, by filing a long written report addressed to the Officer-in-Charge of Brahampur police station in the district of Buxar that because her parents were not in a position to fulfil the demand of a motorcycle to the petitioner she was illtreated physically and mentally and, lastly, the petitioner during his posting in the Central Industrial Security Force, took a concubine and married her. The lady was married to the petitioner on 13.07.2008.

The prayer for bail of the petitioner has been dismissed by the learned Sessions Judge, Buxar recording that because the petitioner had married one Sapna Yadav in spite of his marriage

subsisting with the petitioner, it was not a fit case for grant of anticipatory bail.

During the course of the present hearing the petitioner produced the copies of a few order passed by Family Court, Delhi which shows that the petitioner had filed for the dissolution of his marriage with Sapna Yadav and the case has been fixed for reconciliation.

Considering the reasons assigned by the learned Sessions Judge and the admitted position that the petitioner had married Sapna Yadav during subsistence of his marriage with the informant, this Court is not inclined to grant anticipatory bail to the petitioner under Section 438 Cr.P.C. in connection with Brahampur P.S.Case No.185 of 2014 pending in the Court of CJM, Buxar.

Petition is dismissed.

(Dharnidhar Jha, J)

B.Kr./- Saif.

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