

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41743 of 2014

Arising Out of Complaint Case No. -113 Year- 2013 Thana -COMPLAINT CASE District-
SUPAUL

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Babulal Mukhiya S/o - Late Bikrulal, R/O/V- Balbhadrapur, P.S - Birpur,
Distric- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Deouki Devi, W/O- Babulal Mukhiya, M/O- Phulkumari Devi, R/O/V-
Balbhadrapur, P.S - Birpur, District - Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 28-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Complaint Case
No. 113C of 2013 dated 18.03.2013 instituted under Sections
498A/494/323/504/379/34 of the Indian Penal Code.

The allegation against the petitioner is that after
contracting second marriage he had started assaulting and abusing
the complainant, who is his wife, and had also ousted her from the

matrimonial home, after keeping all her belongings.

Learned counsel for the petitioner submits that marriage had been solemnized many years ago and the allegation levelled is false and fabricated. Learned counsel has also relied on the depositions of two witnesses; one Bhagiya Devi who has stated that such incident took place about 15 years ago, whereas the second witness, who is the daughter of the complainant, has stated that the assault started when she was still not married. Learned counsel thus submits that the allegation is stale and with ulterior motive the complaint has been filed and the petitioner is innocent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the allegation of there being a second wife has been corroborated by the witnesses and further the fact that in the lifetime of the complainant, who is admittedly the first wife, a second marriage was solemnized clearly establishes cruelty.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

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