

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36514 of 2014

Arising Out of PS.Case No. -118 Year- 2013 Thana -MAHILA PS District- JAMUI

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Bimlesh Rajak son of Sukhi Rajak, resident of village- Kewali, P.S. Sono,
District Jamui

.... Petitioner/s

Versus

1.State of Bihar.

2. Anita Devi Daughter of Gopal Rajak, resident of village Sarebad, P.S.
Sono, District Jamui.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Sections- 323, 341, 504, 379 and 498A of the Indian Penal Code and under Section-19, 20, 22 and 23 of the Domestic Violence Act, this Court having regard to the allegation made by the petitioner against his wife of having illicit relationship with another person would not find that his offer of keeping his wife now with him is a genuine and bonafide.

The further submission that the petitioner had filed a divorce case on 04.07.2013 and only thereafter this case was filed against him by way of retaliation is



also not substantiated from the order sheet of divorce case. The prayer of learned counsel for the petitioner that he may now be given time to produce the documents to show that the complainant-wife after having come to know of the divorce case had only filed the complaint case in retaliation has to be noted for its being rejected because if this was the main plea and plank for anticipatory bail to the petitioner that could have been enclosed with the main application.

This Court would therefore not disbelieve the allegation of the complainant-wife not only because there is no proof that her such complaint dated 16.08.2013 was filed by her after service of notice of the divorce case on her but also because whatever has been alleged in the complaint petition would itself unfold and substantiate her allegation of being tortured physically and mentally since 2010 only because she had objected to clandestine relationship of the petitioner with another woman namely Preeti Kumari, a co-accused and

resultantly had been subjected to several burn injuries on her person as also found in course of Panchayati. Thus if the petitioner who is himself facing serious allegations of being not only a characterless but also a brutal man cannot make his divorce case, alleging his wife to be unchaste, to be the sole shield for grant of privilege of anticipatory bail.

That being so, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Mihir Kumar Jha, J)

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