

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36372 of 2015

Arising Out of PS.Case No. -458 Year- 2014 Thana -GAYA KOTWALI District- GAYA

1. Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar, son of Mahavir Sharma, R/o Mohalla- Ramdahanpur, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.36441 of 2015

Arising Out of PS.Case No. -458 Year- 2014 Thana -GAYA KOTWALI District- GAYA

1. Sony Kumari, Daughter of Dinesh Sharma, resident of Mohalla- Jheelganj, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36372 of 2015)

For the Petitioner/s	:	Mr. Anuj Kumar
For the Informant/s	:	Mr. Dinu Kumar
	:	Mr. Rajesh Kumar Singh
	:	Mr. Ritu Raj
	:	Mr. Santosh Kumar
	:	Mr. Manoj Kumar
For the State	:	Mr. Ram Anurag Singh (App)

(In Cr.Misc. No.36441 of 2015)

For the Petitioner/s	:	Mr. Anuj Kumar
For the Informant/s	:	Mr. Dinu Kumar
	:	Mr. Rajesh Kumar Singh
	:	Mr. Ritu Raj
	:	Mr. Santosh Kumar
	:	Mr. Manoj Kumar
For the State	:	Mr. Ram Anurag Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015) being husband of the informant and petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015 being second wife of petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015) are apprehending their arrest in a case registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

The matter was adjourned since last several months allowing the parties to resolve the issue, but it appears that both sides have failed to resolve the issue.

It is submitted by learned counsel for the petitioners that petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015) admits his marriage with the informant and ready to reconcile the issue but the informant is not ready to accept the offer of the petitioner of making payment of permanent alimony on dissolution of marriage or making payment of permanent settlement amount including providing residential house. The petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015) Sharma denies the factum of second marriage with petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015). However, learned counsel for the petitioners admits that a wrong statement was made in paragraph No. 3 of

the petition with regard to the criminal antecedent and a supplementary affidavit to that effect has been filed.

Mr. Dinu Kumar, learned counsel for the informant submits that deliberately the criminal antecedents were suppressed and on the basis of misleading/wrong statements of petitioner Dhananjay Sharma the interim order was passed by this Court and similar wrong statement was also made by petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015). Hence, I.A. Nos. 1660 of 2015 and 1661 of 2015 have been filed for conducting an enquiry against both the petitioners and direction for lodging of the complaint against the petitioners. It is further submitted that petitioner Dhananjay Sharma(Cr. Misc. No. 36372 of 2015) has performed marriage with petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015) and there are two children out of the wedlock. Though O.P. No. 2 is still ready to resume the conjugal life. It is also submitted that informant is ready to deposit the cost for the DNA matching of the children with the petitioners to suggest that petitioner Dhananjay Sharma and Soni Kumari leading a marital life. Though petitioner Soni Kumari has not disclosed in the present application the name of her husband. She filed the present application describing herself as daughter of Dinesh Sharma, but the petition has been affidavited by Anil Kumar described as cousin brother-in-law(Dewar) of the petitioner Soni Kumari. Though petitioner Soni Kumari is Mayor of Gaya Municipal

Corporation but there also in the records, she described herself as daughter of Dinesh Sharma.

Considering the nature of accusation and the stand of the petitioner Dhananjay Sharma(Cr. Misc. No. 36372 of 2015) that he is only ready to make payment of permanent alimony on dissolution of marriage but is not ready to resume the conjugal life, whereas informant is ready to resume the conjugal life, this Court is not inclined to grant bail to the petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015).

Accordingly the application with regard to petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015) stands dismissed.

Considering the thrust of accusation against petitioner Dhananjay Sharma @ Vicky Sharma @ Dhananjay Kumar(Cr. Misc. No. 36372 of 2015), let learned Court below consider the prayer for regular bail of petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015), if she surrenders within a period of six weeks in connection with Kotwali P.S. Case No. 458 of 2014, pending in the Court of learned Chief Judicial Magistrate, Gaya.

With the observations above, the application with regard to petitioner Soni Kumari(Cr. Misc. No. 36441 of 2015) stands disposed of.

So far as I.A. Nos. 1660 of 2015 and 1661 of

2015 are concerned, this Court is of the opinion that it is not expedient in the interest of justice, keeping in view of nature of accusation, that an enquiry should be made with regard to the wrong statements made in the petitions with regard to criminal antecedent of the petitioners since those statements have wrongly been made by the respective deponents who swore affidavit on behalf of petitioners. Moreover initial order was not passed considering the statement made in paragraph No. 3 of the petition with regard to criminal antecedent of the petitioners and above all subsequently the counsels for petitioners admitted the factum of wrong statements made in both the petitions.

Accordingly the both the I.As stand disposed of.

(Dinesh Kumar Singh, J)

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