

Arising Out of PS.Case No. -96 Year- 2009 Thana -INDRAPURI District- SASARAM (ROHTAS)

.... Petitioner/s

1. The State of Bihar
2. Prative Kumari, D/o- Rammani Singh, R/o- village Bharkuriya, P.S. Indurapur, District – Rohtas.

.... Opposite Party/s

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Rita Verma (App)

5 22-06-2016 Heard learned counsel for the petitioner,

 Opposite Party No. 2 and the State.

The petitioner apprehends his arrest in connection with Dehri (Indrapuri) P.S. Case No. 96 of 2009 for the offence registered under Section 498(A) of the Indian Penal Code.

Vide order dated 16.12.2014, this Court had given the benefit of interim protection to the petitioner as it has been submitted that the daughter of the informant, who was subsequently added as opposite party no. 2, has remarried. It was also submitted by the learned counsel for the petitioner, that an affidavit has been sworn by one Shri Shiv Shambhu Prasad, who

was cousin brother of the petitioner stating that the petitioner was willing to keep his wife with all honour and dignity.

On notice having been issued to the opposite party no. 2, she has appeared and is present in Chambers today alongwith her counsel. The petitioner is also present in Chambers today.

They have both made allegations and counter allegations against each other that the petitioner has remarried, which stands substantiated by an order brought on record by the opposite party no. 2 in which it has been admitted by the petitioner that he has already remarried. By the said order, the anticipatory bail of the petitioner was cancelled.

Learned counsel for the petitioner submits that it is not known as to under what circumstances such an admission was made at the district level by the petitioner and as such, he seriously disputes the fact regarding the petitioner's remarriage.

Learned counsel appearing on behalf of the opposite party no. 2 submits that the aforementioned fact regarding remarriage by the petitioner in the court below which was squarely admitted by the petitioner and till date he has not filed any protest against such an admission, is recorded in the order sheet marked as Annexure- B to the counter affidavit.

Be that as it may, there is some false affidavit filed by the petitioner in the present application which itself disentitles him to privilege of anticipatory bail. The present petitioner has also appeared and stated that he is not willing and ready to live with his wife and as such, the same appears to be contradictory as in paragraph -9 of the reply to the counter affidavit the statement made by the petitioner that he is willing and ready to keep opposite party no. 2 appears to be ornamental in nature only to mislead this court.

In view of the stands adopted by the petitioner as also that there is mis-statement of facts, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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