

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47189 of 2016**

Arising Out of PS.Case No. -359 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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Maya Kumari w/o Brajesh Kumar, D/o Late Arjun Prasad resident of village- Kamalpur P.S. Belaganj District- Gaya Presently residing at Gautam Nivas Nandlal gali, Chhoki Nawada, P.S.- Delha District- Gaya.

.... .... Petitioner

Versus

1. The State of Bihar
2. Brajesh Kumar son of Suresh Singh @Suresh Prasad resident of village Hathiyara P.S. Deokund District- Aurangabad.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

2      09-11-2016

Heard.

This court has already given guidelines and direction to the trial court to proceed with the case of the parties and if the conciliation proceeding fails due to non cooperative approach of opposite party no. 2, his provisional bail shall not be confirmed by the concerned court.

However, learned counsel appearing for the petitioner submits that opposite party no. 2 has already solemnized his second marriage and if the petitioner refuses to lead her conjugal life with opposite party no. 2 on the ground of solemnization of his second marriage, the trial court may infer against the petitioner in

the light of direction given by this court.

In my view, the petitioner may raise the aforesaid point before the trial court and the trial court has got complete liberty to look into the matter and decide the matter on the basis of submissions of the parties and therefore, I do not find any ground to entertain this petition and accordingly, this petition filed for cancellation of order dated 09.04.2015 passed in Cr. Misc. No. 14514 of 2015 stands dismissed.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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