

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30581 of 2014

Arising Out of PS.Case No. -3351 Year- 2009 Thana -COMPLAINT CASE District- ARARIA

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Rajesh Sah @ Rajesh Kr. Sah, Son of Sant Lal Sah, Resident of Village-Male Bitta,
P.S.-Dagarwa, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Guddi Devi, wife of Rajesh Sah, daughter of Shiv Shankar Kapar, Village-Khairachanda, P.S.- Narpatganj, District- Araria.

.... 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 JUDGMENT

Date: 17-02-2016

Nobody appears on behalf of the petitioner.

Learned A.P.P. for the State and learned counsel for the O.P.

No. 2 are present.

By order dated 13.01.2016, the Court had asked for a report from the Senior Superintendent of Police, Purnea as to whether the petitioner had performed second marriage with Nilam Devi. Such report was called for in the background that a categorical stand had been taken that he had not performed second marriage. Pursuant to the same, a report has been submitted by the Senior Superintendent of Police, Purnea which discloses that the petitioner has performed second marriage with Nilam Devi.

In view of the aforesaid, the Court has no hesitation to record that the provisional bail earlier granted to the petitioner on 22.09.2014 was passed on a misrepresentation made on behalf of the petitioner, which was never clarified even later on when the matter was heard on 09.12.2015 and

31.01.2016 and in fact, at paragraph -19 of the main petition itself, there was a categorical statement that the petitioner had not solemnized another marriage.

The Court thus finds that the petitioner has disentitled himself to any indulgence and accordingly, order dated 22.09.2014 granting provisional bail to the petitioner stands recalled.

The petitioner is directed to surrender before the court below latest by 26.02.2016 and an affidavit to this effect shall be filed on his behalf latest by 4th March, 2016. If the same is not done, the court below shall communicate the fact to the Senior Superintendent of Police, Purnea who shall ensure that the petitioner is taken into custody and produced before the court for being remanded to judicial custody, within two weeks of such communication.

The prayer for bail having been rejected, the application stands dismissed.

In the event, the order of the Court is not complied with, the court concerned shall intimate such fact to the High Court and Registry shall then place the matter before the Bench for further orders.

Registry shall communicate the order to the court below as well as the Senior Superintendent of Police, Purnea through Fax latest by tomorrow.

(Ahsanuddin Amanullah, J)

Sujit/-

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