

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23457 of 2016**

Arising Out of PS.Case No. -573 Year- 2014 Thana -DANAPUR District- PATNA  
=====

1. Ravi Kant Nirala S/o Sri Madheshwar Sharma R/o New A.G. Colony,  
Saguna More, Khagaul Road, P.S.- Dhanpur, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi  
For the Opposite Party/s : Mr. A.Haque Sahara(App)  
For the informant Mr. Shivsagar Sharma, Advocate  
Mr. Awadhesh Kumar Mishra, Advocate  
=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      24-08-2016                      Heard learned counsel for the petitioner, learned  
  
counsel for the informant and learned counsel appearing on  
  
behalf of the State.

The petitioner is apprehending his arrest in  
  
connection with Danapur P.S. Case No. 573 of 2014 registered  
  
for the offences punishable under Sections 495, 498A of the  
  
Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition  
  
Act.

Learned counsel for the petitioner submits that the  
  
petitioner has been paying maintenance to the informant-wife and  
  
he is still ready to keep her but she is creating unnecessary  
  
trouble with himself as well as all the family members and,  
  
therefore, the petitioner is entitled to the privilege of anticipatory

bail.

Learned counsel appearing on behalf of the informant, however, seriously, opposes the application for anticipatory bail of the petitioner and submits that earlier also the petitioner had moved before this Court in Criminal Miscellaneous No. 17705 of 2015, which was dismissed for default. Deliberately, certain very serious facts had come out in the counter affidavit filed by the informant-wife at that point of time. In paragraph-3 of the written statement which stands annexed as Annexure-A to the counter affidavit in Criminal Miscellaneous No. 17705 of 2015, it appears that the petitioner has also admitted that he has married with one Arpita and has a son.

Earlier this Court had called for the records of Criminal Miscellaneous No. 17705 of 2015. Strangely enough, though the case was dismissed for default, the petitioner chose not to file an application under Section 482 Cr.P.C. for restoration of the same, rather he chose to file a fresh bail application making out a completely different story. It appears that in the said criminal miscellaneous application, the informant-wife had brought on record vide annexures A and B, the statements made before another Court in a collateral proceeding that the petitioner had not married with the present informant

rather he had been forced for marriage under duress. Furthermore, he had already married with one Arpita and the facts stands testified by a marriage certificate dated 18.06.2011. The said certificate issued under the Gujarat Registration of Marriages Act, 2006 bearing certificate no. 819/63/2011, indicates clearly that a marriage had taken place between the petitioner namely Ravi Kant Nirala s/o Sri Madheshwar Sharma and Arpita, D/o Bharatbhai Raval at Vatra on 27.12.2010 and the same was registered on the 13<sup>th</sup> of June, 2011, which stands recorded at serial No. 219 of volume 01 of register of marriages maintained under the Gujarat Registration of Marriages Act, 2006.

Such a certificate clearly indicates the falsity that the petitioner has been practising and also that he has made a false statement before this Court and, therefore, this Court is unable to appreciate the cause of the petitioner.

Accordingly, after considering all the facts and circumstances and especially, in view of the false affidavit made by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. It is, thus, rejected.

**(Anjana Mishra, J)**

ajaypd./-

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