

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48738 of 2015

Arising Out of PS.Case No. -51 Year- 2013 Thana -MAHILA THANA District- BEGUSARAI

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Shanti Devi wife of Rajeev Paswan, Resident of village- Madhurapur Barauni-II, P.S.- Teghra, District- Begusarai, at present D/o Triveni Paswan, Resident of village- Ulao, P.S.- Muffasil, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

2. Rajeev Paswan, son of Nunulal Paswan, Resident of village- Madhurapur Barauni-II, P.S.- Teghra, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1

For the Opposite Party/s : Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 14-09-2016

A report which was called for by order dated 20.07.2016 has been received. However, learned counsel for the petitioner submits that after having given false assurance to this Court to keep his wife with all honour and dignity, the petitioner in Cr. Misc. No. 49427 of 2014 has now remarried with one Anjani Kumari daughter of Sagar Paswan and once again deserted his wife, the present petitioner.

The petitioner, wife of opposite party no. 2 however, went to the house of opposite party no. 2 herself and the opposite party no. 2 did not take her himself as per undertaking given by him to this court.

It, thus, appears that the opposite party no. 2 has not only filed a false affidavit stating that he has not remarried and is willing to keep the present petitioner (wife) with full honour and dignity as wife instead, he has chosen to live with another women as has been reported by the Superintendent of Police, Begusarai.

Thus, in my view, opposite party no. 2 is not entitled to any further relief from this Court and the order passed in Cr. Misc. No. 49427 of 2014 dated 19.08.2015 in favour of the opposite party no. 2 in the present case is thus, recalled.

However, if the opposite party no. 2 so desirous, he may approach the court below for seeking regular bail which will alone be granted to him after fixing some sustenance amount in favour of the present petitioner.

Jagdish/-

(Anjana Mishra, J)

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