

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22884 of 2016**

Arising Out of PS.Case No. -18 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

- =====
1. Nawal Kishore Jha, son of Shivjee Jha,
  2. Rani Devi, wife of Nawal Kishore Jha, Both are resident of village-  
Kauria Lalpur, P.S. Runnisaidpur, District- Sitmarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sunila Devi, wife of Nawal Kishore Jha and daughter of Late Dinesh  
Thakur, presently residing at village- Jajuar, P.S. Katra, District-  
Muzaffarpur.

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

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**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

02/ 29-11-2017

Heard Mr. Pushpendra Kumar Singh, learned

counsel for the petitioners and Mr. J.N. Thakur, learned counsel  
for the State.

Petitioner no. 1 being the husband of the  
complainant and petitioner no. 2 being the second wife of  
petitioner no. 1 are apprehending their arrest in a complaint case,  
wherein processes have been directed to be issued after  
cognizance being taken for the offences punishable under Sections  
498A and 494 of the Indian Penal Code.

It appears that the petitioners had earlier  
preferred Cr. Misc. No. 32627 of 2013, wherein vide order dated



27.09.2013 this Court issued notice to opposite party no. 2-complainant but said Cr. Misc. application got dismissed due to non-compliance of peremptory order dated 27.09.2013, wherein requisites were not filed in pursuance to the order dated 27.09.2013.

The prosecution case is that the marriage of petitioner no. 1 and the complainant was performed about 16 years prior to the lodging of the case and after sometime petitioner no. 1 performed second marriage and on protest being made, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioners that after 16 years of the marriage the complaint has been lodged and petitioner no. 1 is still ready to keep the complainant as wife with full dignity and honour. Though, the earlier anticipatory bail application was dismissed for non-compliance of peremptory order, as the requisites were not filed within time for issuance of notice to opposite party no.2-complainant. However, subsequently restoration application was filed and the same also got dismissed vide order dated 02.03.2016 passed in Cr. Misc. No. 9936 of 2016, since it was filed after about three years of the dismissal of the earlier application.

Considering the fact that the earlier anticipatory



bail application of the petitioners was dismissed for non-compliance of peremptory order dated 27.09.2013, for restoration of which Cr. Misc. No. 9936 of 2016 was filed but the same was dismissed since it was filed after about three years of dismissal of earlier application.

Considering the casual approach of the petitioners in pursuing the earlier applications as well as the fact that petitioner no. 1 admits his second marriage with petitioner no. 2, let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender before the learned Court below within a period of six weeks from today in connection with Complaint Case No. C1-18 of 2013, pending in the court of learned Sub-divisional Judicial Magistrate, Sadar Sitamarhi.

Accordingly, this application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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