

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.284 of 2017

Arising Out of PS.Case No. -659 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Nageshwar Das, S/o Bechan Das, Resident of Village-Harkesh, P.S.-
Sahiyara, District-Sitamarhi Petitioner

Versus

1. The State of Bihar
2. Rita Devi, Wife of Nageshwar Das, Resident of Village-Harkesh, P.S.-
Sahiyara, District-Sitamarhi, At Present-Most. Paspati Devi, Wife of Late
Yogendra Das, Village-Bhawdeopur, Ward No.12, P.S.-Riga, District-
Sitamarhi Opposite Parties

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Appearance :

For the Petitioner : Mr. Kumar Kaushik, Advocate
Mr. Amit Kumar Jha, Advocate

For the Opposite Parties : Mr. Kumar Ranjit Ranjan (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Section 498-A of Indian Penal Code.

There is allegation in the complaint petition that the
complainant Rita Devi was married with petitioner about 12 years
ago and gave birth to four children after the marriage from the
wedlock of the petitioner. It is alleged that petitioner solemnized
second marriage with another lady Anita Devi in the year 2013
and started living with her. The complainant was ousted from the
house and she is living in the house of her Fua. She was tortured in
her sasural and accused attempted to burn her by sprinkling
kerosene oil.

The complainant has appeared and she has stated



that husband has kept all the four children. He is living with the second wife after totally neglecting her. She is living at the house of her Fua. The petitioner is not giving any maintenance to her. He has also filed divorce case against her.

From the impugned order, it appears that maintenance case is pending against this petitioner. In such circumstances, there is direct allegation against the petitioner, therefore this court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer of the petitioner for bail is hereby rejected in connection with Sitamarhi Complaint Case No. C1/659 of 2013, pending in the court of Additional Chief Judicial Magistrate-1st, Sitamarhi.

The court below is directed to expedite the trial within nine months and if the trial is not concluded within time stipulated, the petitioner will be at liberty to renew his prayer for bail. In the meantime, if the husband wants to reconcile the matter with the wife, he may approach the court below and if the petitioner files such an application to the effect that he is ready to reconcile the issue, the same will be considered by the court below in accordance with law on its own merit.

(Sanjay Priya, J.)

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