

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35550 of 2016

Arising Out of PS.Case No. -56 Year- 2012 Thana -BAKHRI District- BEGUSARAI

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1. NEHA KUMARI @ NEHA DEVI d/o Ram Kumar Sharma resident of
Village-Bakhodda P.O.- Chadahi, P.S.- Khodawadur, Dist- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Raju Sharma S/o Baidyanath Sharma resident of Village-Bhamanpur,
P.S.- Bakhari, Dist- Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim
For the Opposite Party/s : Mr. Ganesh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 13-02-2017 Heard learned Counsel for the petitioner and
learned Additional Public prosecutor representing the State.

The petitioner is the wife of Opposite Party No.
2. The Opposite Party No. 2 has been granted regular bail
by an order of this Court, dated 10.07.2012, passed in
Criminal Misc. No. 23417 of 2012. He has been made
accused of offence punishable under Section 498A, 494,
323 read with Section 34 of the Indian Penal Code.

Learned Counsel appearing on behalf of the
petitioner has drawn my attention to the order, dated
10.07.2012, whereby Opposite Party No. 2 was allowed
regular bail by this Court and has submitted that Opposite



Party No. 2 has violated the conditions of bail allowed by this Court. He has submitted that Opposite Party No. 2 has solemnized second marriage and, therefore, the bail allowed by this Court should be cancelled.

Following order was passed by this Court while allowing the Opposite Party No. 2 the privilege of regular bail.

“In view of the above, in the event of filing an application stating all such facts and circumstances about non-performance of second marriage and intention to resume and continue matrimonial relationship with the informant by filing personal affidavit, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai, in connection with Bakhri P.S. Case No. 56/2012, with condition to remain physically present before the court below on each and every date till disposal of the case, in case of failure on two consecutive dates without giving any reasonable explanation, the liberty granted shall be deemed to be cancelled.”

The concession so allowed cannot be cancelled on the plea raised in the present application that the



Opposite Party No. 2 has solemnized second marriage, which is a question which can be adjudicated upon before appropriate forum. The submission that Opposite Party No. 2 is not resuming matrimonial relationship and, therefore, the bail bond should be cancelled, cannot be accepted.

This application, in my view, is frivolous, deserves to be dismissed.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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