

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40916 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Shyam Lal Baitha son of Late Yogendra Baitha resident of village -
Yashoda Math, P.S. - Kanti, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi wife of Shyam Lal Baitha, D/o Ram Ayodhya Baitha
resident of Haidrabad Pathal Factory, P.S. + District - Haidrabad native
Village - Bahuara, P.S. - Kanti, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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

07/ 03-04-2017 Heard learned counsel for the petitioner,
complainant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 498A, 494, 379 and 504 of the Indian Penal Code

The petitioner and the complainant are present
in the Court.

The basic accusation is of torture and



performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner performed second marriage since there was no issue with the complainant. Though, the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:-

“That the petitioner is the real owner of the petitioner’s family and he is ready to keep her with all dignity because due to her their life became happy and his 2nd wife is handicapped.”

It is further submitted that the accusation of torture has been levelled after ten years of the marriage.

It is submitted by learned counsel for the complainant that the petitioner has performed second marriage, hence, the complainant is not ready to accept the offer of resuming conjugal life. However, complainant is willing to take Rs.6,000/- per month from the petitioner but counsel for the petitioner submits that the petitioner is a helpless poor person and suffering from liver ailment, hence, he is not in a position to make monthly payment to the complainant.



Considering the rival submissions of the parties, it appears that the matter is being adjourned since more than last six months to allow the parties to resolve the issue but there is no chance of the issue being resolved, hence, this Court is not inclined to grant anticipatory bail to the petitioner. However, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 188 of 2015 pending in the court of learned Judicial Magistrate, Ist Class, Muzaffarpur without being prejudiced by the order of this Court.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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