

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45180 of 2014

Arising Out of PS.Case No. -474 Year- 2011 Thana -BHABHU(KAIMUR)

COMPLAIN C District- BHABHUA (KAIMUR)

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Sanjay Kharwar, son of Bigu Kharwar, Resident of village
Doeya, P.S. Dinara, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Gita Devi, wife of Sanjay Kharwar, D/o Ashok Kharwar
R/o Village Doeya, P.S. Dinara, District Rohtas, at present
R/o village Katrakala, P.S. Mohania, District Kaimur at
Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the State : Mr. Shailendra Kumar-I, APP

For the O.P. No. 2 : Mr. Dharmendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 26-03-2018 The petitioner has challenged the order dated
07.06.2014, passed by the learned Sessions Judge, Kaimur
at Bhabua in Cr. Misc. No. 04 of 2013, whereby the
anticipatory bail which was earlier granted to the petitioner
was cancelled.

From the records as well as the impugned order,
it appears that an undertaking was given by the petitioner



that he shall keep his wife/complainant in her matrimonial home and would accord to her all dignity to which she is entitled. A petition later was filed on behalf of the complainant/wife before the Court that not only the petitioner had violated the orders of the Court and had not fulfilled the obligations which he had committed, but he married another lady also. The torture to the complainant/wife continued at the instance of the petitioner and his second wife. Both the spouses were called by the learned Sessions Judge and on interacting with the spouses, the court below found that the petitioner had married again.

Mr. Tribhuwan Narayan, learned Advocate appearing for the petitioner has submitted that the complainant/wife has not been appearing in the case which the petitioner filed for restitution of conjugal rights. It has further been submitted that without any valid cause, the opposite party No. 2 has not been residing with him and now, for reasons which are not explicable to him, seeks cancellation of his anticipatory bail which was granted earlier.

A perusal of the records in this case indicates that when the petitioner had approached this Court against the aforesaid order cancelling the anticipatory bail to him, a Bench of this Court, way back on 16.04.2015, had directed the petitioner to deposit Rs. 500/- per month in the court



below within 15 days from the date of receipt of the order and subsequently by 15th day of every month, which amount the complainant/wife shall be entitled to withdraw, but without prejudice to the rights and contentions of the parties.

Learned Advocate appearing for the opposite party No. 2 has, however, stated that ever since the passing of the order in the year 2015, not a single penny has been paid by the petitioner. It was only on this condition of payment of the aforesaid money that the order passed by the court below was stayed.

Considering the entire aspect of the matter, this Court is not inclined to interfere with the order cancelling the anticipatory bail of the petitioner.

The present petition is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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