

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10849 of 2018

Arising Out of PS.Case No. -28 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Most. Pinki Kumari, W/o Late Ravi Kumar Rai, R/o Mokama
Ghat Durga Sathan, Ward No.-27, P.O.- Mokama Ghat,
P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Barun Kumar Jha @ Barun Kumar, S/o Sri Brijendra Jha
@ Gopal Jha, R/o Village- Indupur, P.S.- Barahiya, District-
Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-04-2018 The petitioner has sought cancellation of bail of
opposite party No. 2 which has been granted to him by order
dated 18.10.2017, passed by the learned 1st Additional
Sessions Judge, Barh in B.P. No. 279 of 2017 in connection
with Complaint Case No. 28(C) of 2014.

The record reveals that initially a case under
Section 376 of the Indian Penal Code was filed by the
petitioner against the opposite party No. 2 with the allegation
that for satisfying the sexual lust, the opposite party No. 2
had entered into physical relation with her. Later, with the
opposite party No. 2 taking a conscious decision and



marrying her, she gave a statement under Section 164 Code of Criminal Procedure, 1973 that she is living with opposite party No. 2 as his legally wedded wife happily. Later when final report false was submitted, it has been alleged, the opposite party No. 2 made a summersault and ousted the petitioner from her matrimonial home.

A perusal of the order impugned reflects that the petitioner had filed a complaint case to get the original case referred to above, revived, but the same was not entertained. Later with the intervention of the High Court, the complaint was entertained. It further appears from the impugned order that after the opposite party No. 2 came to know that the petitioner is suffering from AIDS, he filed a petition for divorce with the petitioner. The present complaint has only been lodged thereafter. It further appears from the record that the petitioner has admitted before the court below that she is suffering from AIDS.

In such an event, this Court does not consider it expedient to interfere with the order granting bail to the opposite party No. 2.

The petition is, thus dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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