

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31291 of 2018

Arising Out of PS.Case No. -492 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Awadh Kishore Tiwary @ Awadhesh Tiwary S/o Late Jai Shankar Tiwary ,
R/o Vill.- Barwat Prasrain, P.S.- Bettiah (M), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sadhu Sharan Tiwary S/o Late Kuver Tiwary, R/o Karnemeya, P.S.-
Bettiah Muffasil, Distt.- West Champaran.
3. Headmaster, Rajkiya Utkramit Madhya Vidyalaya, Lalsaraiya, Block-
Chanpatiya, Dist- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Adv.
For the State : Mr. Jharkhandi Upadhyay, APP
For the Opposite Party/s : Mr. Vinod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-10-2018 Pursuant to the last order dated 25.09.2018, the
petitioner, his son and the daughter of O.P.No. 2 as well as the
O.P.No.2 are present in Chambers.

Learned A.P.P. for the State, Mr. Jharkhandi
Upadhyay is also present and has assisted the Court.

At this stage, one lady namely, Sweta Kumari has
also presented herself along with her Lawyer, namely, Mr. Vinod
Kumar who is already appearing on behalf of the O.P.No.2 in this
case.

A new revelation has been made today, that the son
of the petitioner was already married to the lady, Sweta Kumari
and he has got one daughter from the said wedlock. The fact that



the petitioner's son was earlier married to the lady, Sweta Kumari has been admitted by the petitioner in presence of learned counsel representing the parties. He has however, tried to explain his grievances with his daughter-in-law, namely, Sweta Kumari. The admitted position is that the son of the petitioner is already married and has got one child out of the said wedlock.

In these conditions, not only that the petitioner is prima facie guilty of suppressing this material fact from this Court while filing the present application, is also disentitled to claim daughter of O.P.No. 2 as his daughter-in-law. The reliefs prayed in the present application is liable to be rejected.

Let an appropriate proceeding be registered against the petitioner for suppressing the material fact and thereby trying to mislead this Court for the purpose of relief.

Let the daughter of O.P.No.2 be sent back to the remand home as there is no interference with the order of the Court.

The Superintendent of Nari Niketan, Gaighat, Patna, is present who will take back the O.P.No. 2 to the remand home.

This application stands dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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