

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17093 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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Prabhat Kumar @ Bauwa Pandit, Son of Ramswaroop Pandit Resident of
Village - Rampur, PS- Sour Bazar, Distt - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mamta Devi Wife of Prabhat Kumar @ Bauwa Pandit , D/o Sadanand Pandit
Resident of Village - Nadodih, PS- Sour Bazar, Distt - Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.71C/2018 for the offence punishable under
Sections 498(A), 494 of the Indian Penal Code.

The allegation against the petitioner as per the First
Information Report lodged by Opposite Party No.2, who is wife
of the petitioner, is that the marriage of the Opposite Party No.2
was solemnized on 04.07.2014. It has further been alleged that
out of wedlock, one child has born. The complainant further
alleged that the petitioner subsequently developed illicit relation
with one Nisha Kumari and performed second marriage with her



and ousted the complainant-opposite Party No.2 along with her child from her matrimonial home.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as there is no allegation of demand of dowry against the petitioner.

Learned counsel for Opposite Party No.2 submits that petitioner has tortured Opposite Party No.2-complainant due to the fact that petitioner had developed illicit relation with another girl with whom he has performed second marriage. Learned counsel, accordingly, submits that performance of second marriage of the petitioner with another lady itself amounts mental torture to the complainant-Opposite Party No.2. Learned counsel further submits that the matter was referred in Mediation but the Mediation between the parties has failed.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the complainant- Opposite Party No.2 was being tortured by the petitioner due to the fact that he developed illicit relation with another lady with whom he performed marriage and the fact that the petitioner has performed second marriage during the subsistence of the first marriage with the complainant-Opposite Party No.2 which itself



amounts to mental torture to the complainant-opposite Party No.2, accordingly, I am not inclined to grant anticipatory bail to the petitioner, as such, this bail application is hereby rejected.

(Anil Kumar Sinha, J)

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