

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26300 of 2017

Arising Out of PS. Case No.-202 Year-2015 Thana- HAJIPUR District- Vaishali

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Soni Kumari Wife of Satrunjay Kumar, Resident of Village- Goraul, P.S.-
Goraul, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Satrunjay Kumar, Son of Sri Suresh Chaudhary, Resident of Village-
Goraul, P.S.- Goraul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Adv

For the Opposite Party : Mr. Ramchandra Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 02-01-2019

The present petition has been filed for cancellation
of bail granted to the opposite party no. 2 by order dated
16.03.2017 in Cr. Misc. No. 12772 of 2017.

2. Learned counsel for the petitioner submits that
the opposite party no. 2 is liable for cancellation of bail on
the following three grounds –

(a) The opposite party no. 2 has stated in the bail
petition that he was ready to keep the informant with full
dignity and respect and wanted to lead conjugal life with the
petitioner. However, when the petitioner went to the
opposite party no. 2, the opposite party no. 2 denied to live
with her and asked her to go away from the house.



(b) The opposite party no. 2 has strongly denied having solemnized second marriage though he has in fact married one lady from whom there is also a child.

(c) The opposite party no. 2 has suppressed his criminal antecedent by not stating the details of Vaishali Town P.S. Case No. 317 of 2015 instituted under Sections 494/495 of the Indian Penal Code in which he is named accused.

3. Learned counsel for the opposite party no. 2 on the other hand submits that he has not made any misstatement nor suppressed any material fact in the bail petition. In reply it is stated as follows –

(a) The allegation sought to be made by the petitioner that she approached the opposite party no. 2 is incorrect and unreliable. A vague and bald averment has been made without mentioning any date or time when she claims to have gone to the house of the opposite party no. 2.

(b) As regards solemnization of second marriage, the same is without basis. One Mohan Choudhary filed Vaishali Town P.S. Case No. 317 of 2015 instituted under Sections 494/495 of the Indian Penal Code on 27.04.2015 stating that the opposite party no. 2 has solemnized marriage with his



daughter Puja Kumari. However, Puja Kumari herself appeared before the learned Court below and stated in her deposition under Section 164 Cr.P.C. that she has not solemnized marriage with the opposite party no. 2. Thereafter, Mohan Choudhary also filed a compromise petition. The opposite party no. 2 has since been acquitted in the said case in terms of judgment dated 19.04.2018 in G.R. Case No. 1969 of 2015/Vicharan Vaad No.1144 of 2018 passed by the learned Chief Judicial Magistrate, Vaishali at Hajipur.

(c) The details of the aforesaid Vaishali Town P.S. Case No. 317 of 2015 could not be stated in the bail petition as the same was instituted subsequently on 27.04.2015 after institution of Hajipur Town P.S. Case No. 202 of 2015 on 13.03.2015. It is submitted that as such the opposite party no. 2 had no knowledge about the said case and there was no intention of suppressing any material fact. Moreover, the opposite party no. 2 has already been acquitted in the said case as stated above.

4. Having heard the parties and on consideration of the entirety of the facts and circumstances of the case, this Court finds substance in the submissions made on behalf of



the O.P. No. 2 and is thus not satisfied that it is a fit case for cancellation of bail granted to the opposite party no. 2 by order dated 16.03.2018 passed in Cr. Misc. No. 12772 of 2017.

5. Cr. Misc. No. 26300 of 2017 stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2019
Transmission Date	NA

