

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43137 of 2019

Arising Out of PS. Case No.-576 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Sanjay Kumar, son of Rameshwar Das, resident of village- Said Kanhauli
Chak @ Saidpur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumari, wife of Sanjay Kumar, d/o Vishwanath Ram, resident of
village- Chhoti Piroi, P.S.- Goraul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar, APP
For Opposite Party No.2	:	Mr. Madanjeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved seeking pre-arrest bail in
connection with Complaint Case No.576 of 2018 dated
22.03.2018 instituted under Sections 498-A, 494, 323, 379 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

3. The allegation against the petitioner, who is
husband of the opposite party no. 2 in the complaint case filed
by her, is with regard to torture and demand of dowry and
ousting her from the matrimonial home, along with two minor



children after snatching all her belongings.

4. Learned counsel for the petitioner submitted that the opposite party no. 2 had herself deserted him with the children and, thus, he has performed second marriage, but upon *Panchayati*, the opposite party no. 2 had again come to live in the matrimonial home and during that period she had poisoned the second wife, who died, due to which both the petitioner and the opposite party no. 2 have been made accused in Mahua P.S. Case No.67 of 2018, which is still pending. It was submitted that during *Panchayati* such arrangement of the petitioner with the opposite party no. 2 to live together had been arrived at.

5. Learned APP submitted that the opposite party no. 2 was ousted along with her minor children, which shows the conduct of the petitioner. It was further submitted that without taking divorce from the opposite party no. 2, who is the first wife, the petitioner has performed second marriage, which is illegal and the death having occurred in the matrimonial home, he has rightly been made accused in another criminal case. It was submitted that the so called *Panchayati* being held in the village of the petitioner and the second wife not being made party to the same and behind her back the arrangement of opposite party no. 2 returning to the matrimonial home shows



the *malafide* intention of the petitioner in trying to deceive both the wives.

6. Learned counsel for the opposite party no.2 submitted that even after *Panchayati* when she had gone to the matrimonial home soon thereafter she was ousted and, thus, she has filed the present complaint case.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail.

8. Accordingly, the application stands dismissed.

9. Provisional bail given to the petitioner by order dated 12.07.2019 stands cancelled. The petitioner shall surrender before the Court below forthwith.

(Ahsanuddin Amanullah, J)

J. Alam/-

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