

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56644 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA PS District- East Champaran

Arjun Kumar, aged about 32 years, Male, Son of Ramji Prasad Resident of Village - Athmohan Konhava Tola, Vishunpur P.S.- Jharokhar, Distt - East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Devita Devi Wife of Arjun Kumar Resident of Village - Aathmohan Konhawa tola, Vishunpur, P.S.- Jharokhar, Distt - East Champaran at Parental Address D/O- Gajendra Prasad Resident Of Village- Sripur Kavaiya, P.S. and P.O - Jharokhar, Distt - East Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-01-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner is the husband of opposite party no. 2 who is seeking anticipatory bail in connection with Mahila (Mothiari) P.S. Case No. 59/2018 registered under Sections 341, 323, 324, 307, 379, 494, 498(A), 504 and 34 of the Indian Penal Code, pending in the court of learned S.D.J.M. Dhaka, East Champaran.

Earlier this case was sent to the Mediation Centre attached to this Court for an outside Court settlement, if possible, between the parties. The mediation failed, as



according to the petitioner, he wanted that his wife should stay with his parents in the village and serve them till their death and only thereafter he would take her to the place where he is working and then she would stay with this petitioner. In paragraph '4' of the impugned order, it has come that while answering the allegations of the informant that the petitioner had solemnized a second marriage and the informant was being treated with cruelty not only by the petitioner but also by the lady who claimed to be the second wife of the petitioner, a submission was made in the court below that the petitioner had not solemnized the second marriage and he is ready to keep his wife with love, honour and dignity, but it is the informant who is not ready to live with him, however from the stand now being taken before this court, it appears that the plea taken by the petitioner in the court below was not a bonafide plea. He is not interested in keeping his wife with him muchless with love, honour and dignity.

It further appears that there are allegations of causing assault and torture against the petitioner. In the case diary, there are sufficient materials to show that the



informant was brought to the doctor with some injuries on both side of her heck, she was in trauma and bleeding . In these circumstances, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer is refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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