

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25987 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- NATWAR District- Rohtas

Sanjay Bharti @ Sanjay Kumar Bharti S/o Banshidhar Prasad R/o village-
Muswat, P.S.- Natwar, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Kumari W/o Sanjay Bharti @ Sanjay Kumar Bharti, D/o Markandey Ram R/o village- Muswat, P.S.- Natwar, District- Rohtas, At present R/o village- Ahirpurwa, P.S.- Ara, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-11-2022 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant and the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 498 (A),
494 and 34 of the Indian Penal Code.

According to the prosecution case, the husband of
the informant i.e., the petitioner has performed second marriage
and after that the petitioner and his second wife and other
accused persons are torturing and threatening to kill the



informant and her children.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the husband of the informant and there is general and omnibus allegation against the petitioner. He further submits that in fact, the informant is residing in the petitioner's house till October 01, and thereafter, the informant went to her father's house. He further submits that she never returned to her matrimonial house in spite of several attempts made by the petitioner to bring the informant back to her matrimonial house.

He further submits that in the year 2002, petitioner filed a petition under Section 9 of Hindu Marriage Act for restitution of his conjugal rights as Title (Matrimonial) Suit No. 6 of 2002 before the Family Court, Bokaro. He further submits that informant never appeared before the Family Court, Bokaro due to which the Family Court passed ex-parte order dated 10.01.2003 in favour of petitioner. Thereafter, on 05.12.2003, informant filed a petition to recall the order dated 10.01.2003 and the learned Family Court, Bokaro recall the order dated 10.01.2003 and later on the Title(Matrimonial) Suit No. 6 of 2022 was dismissed on 20.03.2006 due to non-prosecution as



both the parties were absent.

He further submits that thereafter, the petitioner filed a petition under Section 13(1) of the Hindu Marriage Act before the learned Principal Judge, Bokaro for dissolution of marriage and thereafter, the informant moved before the Apex Court for transfer of the said case to Ara where she is residing since October 2001. Subsequently, the case was transferred to the Family Court, Ara where the case is still pending for adjudication. He further submits that the informant never showed her willingness to save her matrimonial relations with the petitioner. He further submits that she is working as a teacher in Government School at Ara. He further submits that the present F.I.R. is instituted in 2021 after 20 years and it is admitted fact that the informant is living separately since 2001, which shows that the present F.I.R. is instituted with ulterior motive to harass the petitioner and his family members.

The learned counsel for the informant and the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of physical and mental torture against the petitioner and the informant is ready to live with the petitioner as a wife.

Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Natwar P.S. Case No. 80 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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