

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72272 of 2021

Arising Out of PS. Case No.-355 Year-2017 Thana- BARAUNI District- Begusarai

Rahul Kumar Rai Son Of Vyas Rai Resident Of Village- Gram Kurwa
Mathiya, Tola Markaute, Police Station- Chanpatiya, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Dr. Mritunjaya Kumar Gautam, A.G
Mr. Sunil Kumar Singh, A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barauni(Garhana O.P.) P.S. Case No. 355 of
2017 registered for the alleged offences under Sections 498(A),
494, 376(A), 323, 504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner has been
married but he solemnized another marriage with the informant
by keeping her in dark that he was already married and cheated
the informant and established sexual relationship with her. Later



on, the informant came to know that the petitioner has even given false declaration before the authorities about death of his first wife.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and he is the husband of the informant and no offence as alleged in F.I.R. has ever taken place. There is no concealment of the fact that petitioner was earlier married with some other lady and the informant was acquainted with this fact that the petitioner is a married man and despite this fact she solemnized marriage with the petitioner. No offence under Section 376 of I.P.C. will be made out against the petitioner as the informant has resided with him as his wife. Charge sheet has been submitted in this case and the petitioner is in custody since 03.07.2021.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the petitioner is a fraud and he applied for the death certificate of his first wife and the child born out of this wedlock while they have been alive. He also moved an application before controlling authority for permission for solemnization of second marriage on the ground that his first



wife has died on 08.11.2014. Thereafter, he filed a case before the Principal Judge, Family Court, Bettiah, for getting divorce from his first wife whom he had already declared to be dead.

Perused the records.

Having regard to the facts and circumstances and considering the nature of allegation against the petitioner which is quite grave and serious, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

Gautam/Daya

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