

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41339 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

RADHA KRISHNA SINGH @ RADHAKRISHNA R YADAV Son of Late
Ram Awatar Yadav Resident of village - Bhirkhira, P.S. - Mohania, Distt. -
Kaimur at Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Devi Wife of Radha Krishna Singh R/o Village - Bhirkhira, P.S. - Mohania, At present R/o village - Bhaluhi, P.S. - Mohania, Distt. - Kaimur at Bhabhua

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For the O.P. no. 2	:	Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-08-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the complainant –
opposite party no. 2 who appears *suo motu*.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Mohania P.S. Case no. 220 of 2023 registered under
sections 498A, 494, 341, 323, 354 and 34 of the Indian Penal
Code.

3. As per the prosecution case, it is stated by the
informant that on the date of occurrence ie 2.4.2023 at about 10
a.m., on the instigation of the second wife, the petitioner



assaulted the informant and threw both the informant as also her son out of the house.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The informant once upon a time happened to be the wife of the petitioner. Their marriage has been dissolved by a decree of divorce by judgment dated 30.8.1996 (Annexure-2) passed in Hindu Marriage Petition no. 83/96. It is further submitted that for similar allegations the informant had filed a complaint case in the year 1998 and now has filed the instant FIR. As such the petitioner be enlarged on anticipatory bail.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the material on record it transpires that though it is correct that there has been litigation between the parties in the past including the decree of divorce which the petitioner appears to have obtained surreptitiously from a court in Gujarat, so far as the allegation in the FIR from which the instant application for bail arises is with respect to assault and abuse which took place on 2.4.2023.

7. In view of the petitioner being named in the FIR



and there being direct allegation against him, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

8. The petitioner is directed to surrender in the court below within a period of four weeks. In case the petitioner so surrenders, the prayer for bail of the petitioner shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

Spd/-

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