

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59965 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- COMPLAINT CASE District- Sheohar

MANISH KUMAR S/O Brijkishore Singh Resident of village- Rain Shankar
Police Station- Runni, saidpur District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. NEHA DEVI W/o Manish Kumar D/o Sudhir Singh At present Residing at village- Dhankaul, Police Station- Piprahi, District- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-05-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest for the offences registered under Sections 323, 498A, 379 and 34 of the Indian Penal Code.

The Court is not persuaded to grant anticipatory bail to the petitioner for the reason that from bare perusal of the pleadings made in Paragraphs-7 & 8, it gives an impression to the Court that an attempt has been made by the petitioner to malign his wife i.e. the informant.

Para-7 records “That it is stated that the petitioner is the husband of the complainant and always ready to keep her



with all respect and dignity because she herself does not ready to live with this petitioner in her in laws house because she is suffering from HIV POSITIVE.”

Para 8 records “That real fact is that the complainant is suffering from HIV POSITIVE but in spite of that she wants to establish physical relation with this petitioner and on refusal to do so present case has been filed making a false and fabricated story.

Today, when the matter is taken up, the learned counsel for the petitioner submits that he has filed a supplementary affidavit seeking deletion of Paragraphs-7 & 8, on which the learned counsel for the informant submits that this amply demonstrates the conduct of the petitioner that if what he had stated in the anticipatory bail application was correct then he would not have sought deletion of those two paragraphs, that in itself demonstrates that the petitioner only intended to malign his wife, it is next submitted that the informant, though, is working as a Nurse, but since the petitioner alleged that she was suffering from HIV Positive that has created trauma for her and the child, whom the petitioner has also abandoned.

Considering the submission made by the learned counsel for the informant and the conduct of the petitioner, the



Court is not persuaded to grant anticipatory to the petitioner.

Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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