

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65933 of 2023

Arising Out of PS. Case No.-943 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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LAXMAN SAHANI son of Horil Sahani Village- Chauhanian Ps- Madhuban
Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Devi wife of Laxman Sahani(as stated by the complainant in the complaint petition) w/o late Bigu Sahani Village- Chauhanian Ps- Madhuban Dist- East Champaran

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 943 of 2022 instituted under Sections 498(A), 323 and 34 of the Indian Penal Code.

3. As per the prosecution story, the complainant was married to the petitioner and on 20.04.2022 her husband Laxman Sahani along with other accused persons came and abused/assaulted her for non-fulfillment of dowry. She was further thrown out of the house along with her children. As the story unfolds she was married to Vicky Sahani and after his death the marriage was solemnized with this petitioner and there is one daughter out of the said wedlock. Accordingly, the complaint.

4. Learned counsel for the petitioner submits that the lady had multiple relations and one of her husband Bigu Sahani is still alive and as such without divorce how can she marry other



person.

Learned counsel for the informant on the other hand submits that she was married to the elder brother of this petitioner namely Vicky Sahani i.e., the fact that has not been disclosed by the petitioner. It was only after his death on 2012 she married this petitioner and his child has also came in this world out of the said wedlock.

Learned counsel for the petitioner has tried to impress upon this Court citing the age of the lady as also the fact that earlier she was married to one Bigu Sahani. These are the facts which has to be taken up by the learned trial court. This Court is sitting in anticipatory bail, the kind of allegation that has come against the petitioner and the way the petition has been drafted wherein it has nowhere been disclosed that Vicky Sahani is actually the elder brother of him, this Court is not inclined to extend any relief to the petitioner.

Accordingly, the present anticipatory bail of the petitioner stands rejected.

(Rajiv Roy, J)

Adnan/-

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