

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11840 of 2024

Arising Out of PS. Case No.-186 Year-2016 Thana- COMPLAINT CASE District- Supaul

Jai Prakash Sharma Son of Shanker Sharma Resident of Mohalla- Aadarsh
Nagar, Ward No.-02, P.S. and Distt.-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilam Kumari D/O Late Ram Nath Sharma Resident of Mohalla- Aadarsh
Nagar, Ward No.-02, P.S. and Distt.-Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-07-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
379, 323 and 504 of the Indian Penal Code as well as Sections 3
and 4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the
opposite party no. 2 submits that opposite party no. 2 was
ousted from her matrimonial home in the year 2016 and the
opposite party no. 2 along with her child is staying at her
parental home. It is further submitted that the learned Principal
Judge, Family Court, Supaul in Maintenance Case No. 36 of



2016 had directed the petitioner to pay a monthly maintenance of Rs.3,500/- but the same till date has not been paid. It is next submitted that no doubt, the order passed by the learned Principal Judge, Family Court, Supaul is ex parte but then the court was constrained to pass an ex parte order as the petitioner despite valid service of notice for reasons best known did not appear and contest the case. It is also submitted that one can well imagine the plight of opposite party no. 2 that how she is sustaining herself in absence of any financial support. It is further submitted that opposite party no. 2 is also facing difficulty in rearing the child who presently is aged about eight and half years. It is next submitted that had the petitioner any intention of maintaining the opposite party no. 2 and the child then definitely he would have paid maintenance amount but then petitioner is enjoying his life with his second wife after performing his second marriage.

4. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the submissions of the learned counsel appearing on behalf of the opposite party no. 2.

5. In such circumstances, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Complaint Case No. 186C of 2016 pending in



the Court of learned Sub-Divisional Judicial Magistrate,
Supaul/Successor Court.

6. Hence, the prayer for anticipatory bail of the
petitioner is rejected.

(Satyavrat Verma, J)

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