

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7330 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- JANTA BAZAR District- Saran

Md. Asraf Sah @Munna @ Md. Asraf Ali Sah SON OF Late Md. Samim Sah
RESIDENT OF VILLAGE - MURARPUR, POLICE STATION - JANTA
BAZAR, DISTT- SARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SABANA KHATOON WIFE OF MD. ASRAF SAH @ MUNNA @ MD.
ASRAF RESIDENT OF VILLAGE- KOHARGARH, PS- EKMA, DIST-
SARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Anis Akhtar
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-03-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

O.P. No. 2.

2. The petitioner apprehends his arrest in connection
with Janta Bazar P.S. Case No. 03 of 2023 registered for the
offences punishable under Sections 341, 323, 494, 498A, 313,
379, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the O.P. No. 2 submits that
petitioner has performed his second marriage and has left the
O.P. No. 2 and two children in lurch who are completely
dependent on the parents of O.P. No. 2. It is further submitted
that the petitioner earlier used to work at Saudi Arabia till 2014



and has earned a lot and thus when he came back, he performed his second marriage. It is also submitted that in absence of any maintenance from the petitioner, the O.P. No. 2 along with the children are living a life of destitute while the petitioner is enjoying his second wife.

4. Learned counsel appearing on behalf of the petitioner rebuts the submission of the learned counsel for the O.P. No. 2 and submits that petitioner has not performed his second marriage, but then does not dispute the fact that the petitioner worked at Saudi Arabia till 2014. It is further submitted that petitioner is willing to restitute his conjugal rights on which the learned counsel appearing on behalf of the O.P. No. 2 submits that the said submission has been made only for the sake of seeking anticipatory bail as petitioner has performed his second marriage, on which the learned counsel appearing on behalf of the petitioner submits that he is not in a position to pay any maintenance to the O.P. No. 2 except for Rs. 3,000/-, on which the learned counsel for the O.P. No. 2 submits that one can well imagine the plight of the O.P. No. 2 and the children that the petitioner is not even willing to give them a decent life so that children can study and eat properly.

5. Considering the submissions made by the learned



counsel for the O.P. No. 2, the Court is not inclined to grant the privilege of anticipatory bail to the petitioner.

6. Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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