

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17310 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Vishwanath Sah @ Vishwnath Sah S/o Moti Sah R/o Vill - Kadmahwa, P.S. -
Chiutaha, Dist. - West Champaran (Bettiah)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Devi W/o Vishwanath Sah @ Vishwnath Sah, D/o Mohan Sah R/o
Vill - Kadmahwa, Ward No. 10, P.S. - Chiutaha, Dist. - West Champaran
(Bettiah)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

Mr. Vijay Kumar Singh No.1, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 341, 504, 498A and 34 of the IPC in connection
with Complaint Case No.236 of 2023.

3. The learned counsel appearing on behalf of the O.P.
No.2 submits that petitioner being husband is not taking



responsibility of the O.P. No.2 and his three children who are staying with her presently.

4. It is further submitted that petitioner is enjoying his matrimonial life with his second wife. It is next submitted that without divorcing the O.P. No.2 the petitioner performed his second marriage with Putali Kumari, who is staying with him in his house while the O.P. No.2 along with a children are staying in a hut. It is further submitted that for the last more than two years the petitioner has not paid a single penny towards maintenance of the O.P. No.2 and the children, as such one can well imagine the plight of the O.P. No.2 and the children with which they are beseeched. It is further submitted that the marriage the petitioner with Putali Kumari is void ab initio.

5. The learned counsel for the petitioner does not dispute the submission of the learned counsel for the O.P. No.2 that he has performed his second marriage and is enjoying his conjugal relationship, but then submits that he is willing to keep the O.P. No.2 and the children with him, on which the learned counsel appearing on behalf of the O.P. No.2 submits that the said submission has been made only with a view to seek anticipatory bail, when petitioner never had any intention of maintaining the O.P. No.2 and the children and only with a view



to perform his second marriage was torturing the O.P. No.2 which led to the institution of the instant case.

6. Considering the submission made by the learned counsel appearing on behalf of the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

7. Let a copy of this order be sent to the learned Trial court forthwith.

(Satyavrat Verma, J)

Prakash Narayan

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