

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17854 of 2023

Arising Out of PS. Case No.-1794 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DHARMENDRA SAH Son of Madan Sah R/V - Kharuwa, P.S. - Kundwachainpur, Dist. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi Daughter of Shambhu Sah R/V- Bisrahiya, P.S - Dhaka Dist - East Champaran at present R/V - Belbanwa Station road near post office - Laxmi Hotel Ke Upar P.S. - Motihari Town, Dist- East champaran

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-03-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 323 and 406/34 of the Indian Penal Code.

3. The case was taken up on 01.03.2024 when it was submitted on behalf of the petitioner and the opposite party no. 2 that they are willing to revive their conjugal relationship, as such, the case was fixed for today but today when the case is taken up a submission has been made by the learned counsel appearing on behalf of the opposite party no. 2 that the petitioner has performed his second marriage as such the



opposite party no. 2 for that reason has not come to the Court as there is no point in going back to the petitioner when he has already re-married.

4. On query of the Court, the learned counsel for the petitioner submits that he does not have any instruction on the issue whether petitioner has performed his second marriage or not but then fairly submits that despite information given to the petitioner he has not appeared in compliance of the order dated 01.03.2024.

5. The Court completely fails to appreciate that when a submission was made on behalf of the learned counsel for the petitioner that petitioner is willing to revive his conjugal relationship based on which both petitioner and the opposite party no. 2 were directed to remain physically present before this Court so that the petitioner takes the opposite party no. 2 to her matrimonial home from the Court but then the opposite party no. 2 is not present for reasons recorded hereinabove and the petitioner without any rhyme or reason is not present which amply goes to demonstrate that perhaps petitioner is not interested in restituting his conjugal right for reason best known.

6. In view of the submissions made by the learned counsel appearing on behalf of the opposite party no. 2, the



Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Trial No. 2743 of 2022 arising out of Complaint Case No. C-1794 of 2021 pending in the Court of learned Sub-Divisional Judicial Magistrate, Sadar Motihari, East Champaran/successor Court.

7. Accordingly, the prayer of the petitioner for anticipatory bail is rejected.

(Satyavrat Verma, J)

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