

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40263 of 2023

Arising Out of PS. Case No.-1861 Year-2019 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Ritesh Kumar Sharma @ Hitesh Kumar Sharma, Son Of Kamla Rai Resident
Of Village - Barhupur, P.S. - Mohania, Distt. - Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kiran Devi, Wife Of Ritesh Kumar Sharma @ Hitesh Kumar Sharma, D/O
Late Madan Rai Resident Of Village - Jaishidih, P.S. - Piro, Distt. - Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bhaskar Shankar
For the Opposite Party/s :	Mr. Damodar Prasad Tiwary
	Mr. Yogesh Kumar
	Mr. Raj Kumar Rai

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 26-02-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in Complaint Case No.1861C of 2019 registered for the
offences punishable under Sections 498(A)/ 34, 323 and 504 of
the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
present case. It is further submitted that petitioner was married
to the opposite party no.2 in the Year 2013 and the present case



came to be instituted in the Year 2019 i.e. six years after marriage. It is further submitted that it has been alleged by the opposite party no.2 that after marriage, the dowry of Rs. Two Lacs and a motorcycle was being demanded and for non-fulfilment of the same, the opposite party no.2 was ousted from her matrimonial home.

4. The learned counsel appearing on behalf of the opposite party no.2 submits that the opposite party no.2 still is willing to reconstitute her conjugal life, but then, petitioner is not willing to keep her as he has already filed a divorce case, which is pending adjudication in the Court of the learned Principal Judge, Family Court, Kaimur. It is further submitted that on one hand the petitioner is pursuing the divorce case, but for the last more than 4-5 years, not a single penny has been paid to the opposite party no.2 towards her maintenance, nor the petitioner is willing to pay any maintenance amount, on which the learned counsel for the petitioner submits that petitioner is unemployed youth and as such, is not in a position to maintain the opposite party no.2, on which the learned counsel appearing on behalf of the opposite party no.2 submits that when it comes to maintenance, the petitioner becomes an unemployed youth, but then, he is pursuing cases against the opposite party no.2 before



different forums for which he has money, which amply demonstrates that petitioner is only making excuses of not maintaining the opposite party no.2, when it is the bounden duty of the husband to maintain the wife and keep her with honour and dignity.

5. Considering 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.

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

(Satyavrat Verma, J)

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