

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42538 of 2023

Arising Out of PS. Case No.-1027 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

=====

SAGAR KUMAR @ PINTOO SAW @ PINTU KUMAR SAW @ PINTU KUMAR Son of Late Sarjug Saw Resident of village - Balwapar, P.S. - Warsaliganj, Distt. - Nawada, at present reside at 18/218, Trilokpuri, P.S.- Mayuri Vihar Phase-1, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari Wife of Pintoo Saw, D/o Brahmdeo Saw Resident of village - Rajauli Oopertanda, P.S. - Rajauli, Distt. - Nawada

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Niraj Kumar
For the Opposite Party/s : Mr. Ajay Kumar No. 2

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 28-02-2024 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 Nawada Complaint Case No.1027/2018 registered for the offence punishable under Section 498(A) of the Indian Penal Code.
3. Learned counsel for the O.P. No.2 submits that the case was referred for mediation but then the mediation failed. It is next submitted that petitioner was married to the O.P. No.2 in the year 2010 and out of the wedlock, a child was born, who presently is of 12 years of age and is staying with the O.P. No.2.



It is next submitted that petitioner has ousted the O.P. No.2 from her matrimonial home along with the child in the year 2013 but then the O.P. No.2 was contemplating that a day will come when petitioner will accept her with the child but the said day never came. It is also submitted that the O.P. No.2 presently is staying in her parental home with the child and it is the parents of the O.P. No.2, who are looking after her welfare and the petitioner has not paid a single farthing towards maintenance when O.P. No.2 is willing to again give a chance to the petitioner for reviving the conjugal relationship.

4. Learned counsel appearing on behalf of the petitioner submits that now it is not possible for the petitioner to revive the conjugal relationship. It is also submitted that the petitioner and the O.P. No.2 by mutual consent were staying apart since 2013 and he has already paid an amount of Rs.5 lacs to the O.P. No.2 in cash, as such, the petitioner will not pay any maintenance amount to the O.P. No.2 now. The said submission of the learned counsel for the petitioner is rebutted by the learned counsel appearing on behalf of the O.P. No.2 and submits that the O.P. No.2 was ousted and she never left her matrimonial home based on consent and the document on which the petitioner is relying is forged and fabricated. It is also



submitted that petitioner claims that he works in a medicine shop then how come in 2013 he could have paid Rs. 5 lacs in cash.

5. Considering the submissions made by the learned counsel for the O.P. No.2, the Court is not inclined to entertain the anticipatory bail application of the petitioner.

6. Accordingly, the anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

amit/-

U			
---	--	--	--

