

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52894 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- RAJAON District- Banka

Mithun Harijan @ Mithun Kumar Son Of Pradeep Harijan @ Khalo Harijan
Resident Of Village- Senchak (Sakhara), Ps- Rajoun, Dist- Banka

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Hemanti Devi Wife Of Mithun Harijan @ Mithun Kumar Resident Of Village- Sakhara, Ps- Rajoun, Dist- Banka. At Present Resident Of Village- Kamalpur, Ps- Barahat, Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-04-2024 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 323, 498A and 34 of the Indian Penal Code.

3. Learned counsel for the parties jointly submitted that the case was referred for mediation but then the mediation failed.

4. Learned counsel appearing on behalf of the opposite party No.2 submits that petitioner has performed a second marriage and has left the opposite party No.2 along with



her two children in lurch.

5. It is also submitted that the opposite party No.2 along with her two children are staying separately from the petitioner after she was ousted from her matrimonial home since 2021 and in these two years, the petitioner never cared that how the opposite party No.2 along with the children are surviving nor paid any maintenance allowance, but then, he is enjoying his life with his second wife.

6. Learned counsel appearing on behalf of the petitioner party dispute what has been contended on behalf of the learned counsel appearing on behalf of the opposite party No.2 submits that petitioner is staying with a women but then he is not legally married, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the opposite party No.2 that petitioner in these two years, never paid any maintenance to the opposite party No.2 or the children.

7. Since the petitioner admits that he is staying in a live in relationship as such it is not possible for the opposite party no.2 to revive her conjugal relation.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submission 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.

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

(Satyavrat Verma, J)

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