

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53045 of 2024

Arising Out of PS. Case No.-11 Year-2022 Thana- ARWAL MAHILA District- Jehanabad

Sonu Nigam Son of Binda Lal Singh R/O Vill.- Kateshwar, P.o.- Anandpur,
P.s.- Rapur Chauram, Dist.- Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Reena Kumari Daughter of Lal Vijay Singh R/O Vill.- Jhikariya, P.s.- Kinjar,
Dist.- Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri Rabindra Kumar.

2. The petitioner apprehends his arrest in connection
with Arwal Mahila PS Case No. 11 of 2022, registered for the
offences punishable under Sections 341, 323, 498A, 506 and 34
of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the informant. It is next submitted that the
marriage of the OP No. 2 with petitioner was performed in the
year 2013. It is next submitted that few weeks after marriage,
the OP No. 2 came back to her parental home and thereafter



never visited the petitioner till 2022. It is next submitted that petitioner used to visit the OP No. 2 regularly at her parental home and accordingly, she got pregnant and gave birth to a child in the year 2017, but even after the birth of the child, the OP No. 2 did not come back to her matrimonial home despite all endeavours made by the petitioner. It is next submitted that petitioner thereafter filed a divorce case bearing Divorce Case No. 70 of 2019 dated 5-4-2019 in the court of learned Principal Judge Family Court, Jahanabad, but the OP No. 2 got the case transferred to the court of learned Principal Judge Family Court, Ranchi by order of the Hon'ble Supreme Court. It is next submitted that when the case was transferred to Ranchi, the OP No. 2 gave an inclination that she intends to stay with the petitioner, as such, the petitioner filed an application before the learned Principal Judge Family Court, Ranchi for withdrawing the divorce case. It is next submitted that thereafter in April 2022, the OP No. 2 came back to her matrimonial home along with the child, but then again alleges that she was ousted as dowry was being demanded. It is next submitted that petitioner presently is not aware with regard to the status of Divorce Case No. 70 of 2019, i.e., whether it has been withdrawn or is still pending.



4. The learned APP, Rabindra Kumar, vehemently opposes the anticipatory bail application of the petitioner and submits that from submissions made by the learned counsel appearing on behalf of the petitioner, it is culled out that OP No. 2 since 2013 was not staying with the petitioner, but then petitioner did not make any endeavours for restituting his conjugal rights rather used to visit the parental home of the OP No. 2 and the OP No. 2 even got pregnant and gave birth to a child in the year 2017, but then from 2017 till 2022, it appears as is culled out from the submissions made by the learned counsel for the petitioner that not a single penny towards maintenance was given to the OP No. 2 and the child, which amply demonstrates the conduct of the petitioner. It is also submitted that petitioner, instead of getting his conjugal rights restituted, filed a divorce case and when the case got transferred to Ranchi, thereafter it is submitted that an application was filed for withdrawing the case as OP No. 2 had showed her inclination to stay with the petitioner. It is further submitted that according to the petitioner, the OP No. 2 along with the child came back in April 2022, but again she was tortured, as such the instant case came to be instituted. The learned APP further submits that husband and wife may not like each other, but then



it does not appear probable that father will have no concern for the child even, as no endeavours were made by the petitioner to file any application seeking permission to meet the child, nor any maintenance was being given to the OP No. 2 and the child for their sustenance. It is also submitted that one can well imagine the plight of OP No. 2 and the child in absence of financial support.

5. Considering the submissions made by the learned APP, 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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