

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71928 of 2023

Arising Out of PS. Case No.-1006 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Aditya Mishra Late Gopal Mishra Resident Of Village And Po Koilakh Ps
Rajnagar District Madhubani, At Present Flat No 128, Shivaji Colony,
Gandhinagar, Aabu Road, Ps- City Police Station, Rajasthan, District- Sirohi
(Rajasthan)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arpana @ Arpana Verma, wife of Ajnish Kumar Verma, resident of Chakri,
P.S.-Darauli, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Surendra Mishra, Advocate
For the Opposite Party/s :	Mr.Ashok Kumar Singh, APP
	Ms. Kumari Pallavi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 9 29-07-2024 1. Heard learned counsel for the petitioner, learned

APP for the State along with learned counsel appearing on

behalf of the O.P. No.2.
2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 341, 323, 379, 313, 427, 354B, 498A of the IPC in

connection with Complaint Case No.1006 of 2022.
3. In compliance of the order dated 11.07.2024 the

petitioner and the O.P. No.2 are present in the Court along with

their respective learned counsels.
4. The petitioner and the O.P. No.2 have their own

stories to tell. The petitioner submits that he had come to Patna



and was staying in a rented premise which was being run by the O.P. No.2 and her husband. It is next submitted that since he was a renter, as such the O.P. No.2 started discussing with him her family problems, on account of which they came close. It is also submitted that O.P. No.2 is 8-9 years older to him. It is further submitted that it is not in dispute that the he came in close contact with the O.P. No.2 on account of his proximity with her as he was staying in her house as a renter, but the relationship was purely consensual. It is next submitted that petitioner left the house/P.G. of the O.P. No.2 in 2016. It is also submitted that thereafter also the relationship in between the petitioner and the O.P. No.2 continued. It is next submitted that while the relations was continuing the O.P. No.2 was already a married lady, as such it was an extra marital affair.

5. It is next submitted that O.P. No.2 obtained divorce from her husband in the year 2019 and thereafter the problems started. It is further submitted that after divorce the O.P. No.2 used to call the petitioner and the petitioner also visited the O.P. No.2 whenever she called him, but then submits that on one occasion when he had gone to meet the O.P. No.2 he saw certain persons there in the premise and when he inquired, he was informed that they are relatives of the O.P. No.2. It is also



submitted that he was given water to drink and thereafter he lost his control and was not able to comprehend, what was happening with him and later he came to know that Saptasadi has been performed. The petitioner also submits that he never married the O.P. No.2, rather he was engaged with Vandana Jha on 28.02.2019 and thereafter he got married to her on 28.11.2019 and out of the wedlock two children were born whereas the O.P. No.2 claims that she married the petitioner on 15.05.2019.

6. The petitioner vehemently disputes the said contention of the O.P. No.2 that he ever married her, rather the photographs of the marriage which was shown the court are photographs when petitioner was intoxicated with a glass of water.

7. The O.P. No.2 who is present in the Court, denies the submissions of the petitioner and submits that petitioner married her on 15.05.2019, but then does not dispute the fact that she was married from before and her marriage with her first husband was performed on 07.03.2006 and thereafter on 16.03.2019, she got divorced by mutual consent.

8. Be that as it may, since the facts are disputed, as such the petitioner above-named, in the event of his arrest or



surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Complaint Case No.1006 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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