

Arising Out of PS. Case No.-59 Year-2023 Thana- THARTHARI District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Tripathy

For the Opposite Party/s : Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-09-2024 1. Heard learned senior counsel for the petitioner,
learned A.P.P. for the State and learned counsel appearing on
behalf of the opposite party no.2 Praveen Kumar who submits
that he has filed his Vakalatnama after receiving no objection
from the previous learned counsel.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 188, 494, 498(A) of the Indian Penal Code and Section 75 of the Juvenile Justice Act.

3. The learned senior counsel for the petitioner submits that the opposite party no.2 is in habit of blackmailing people. It is next submitted that the petitioner is the fourth husband of the opposite party no.2 and the opposite party no.2 concealing the fact that she was married from before, performed her marriage



with the petitioner. It is thus submitted that the law has been misused by the opposite party no.2 in order to coerce the petitioner into submission and the petitioner even lost his job with the C.I.S.F. after the present case came to be instituted. It is next submitted that who will compensate the loss of the petitioner of his job from the C.I.S.F.

4. The learned senior counsel next draws the attention of the Court to the third supplementary affidavit filed on behalf of the petitioner on 30.05.2024 wherein it has been specifically stated that the opposite party no.2 was married for the first time with one Shailendra Prasad Gupta and the said marriage could not last long and the informant filed divorce suit being Divorce Case No. 118 of 2007 for her judicial separation with Shailendra Prasad Gupta, but the said divorce case was dismissed for non-prosecution on account of non-appearance of the informant in the case by an order dated 30.10.2012 passed by the learned Principal Judge, Family Court, Saran at Chapra. It is next submitted that while Divorce Case No. 118 of 2007 was pending adjudication when the informant married Saurav Kumar in the year 2008 and since she married Saurav as such she stopped appearing in Divorce Case No. 118 of 2007 on account of which the case was dismissed for non-prosecution. It is also submitted



that the informant on 28.06.2010 instituted Jakkanpur P.S. Case No. 148 of 2010 against one Rohit Raj Raju alleging that Rohit Raj got married to her but has refused to keep her in his house as legally wedded wife. It is thus submitted that this amply demonstrates that informant, prior to her marriage with the petitioner, was already married thrice but concealing the aforesaid marriages married the petitioner and then started extorting him. It is next submitted that since the petitioner was working with the C.I.S.F, a disciplined force, as such he was not in a position to collect the aforesaid information in time hence when a complaint came to be instituted by the informant against the petitioner before his superior authority of the C.I.S.F, the authorities of the C.I.S.F also in a mechanical manner proceeded to terminate the service of the petitioner without realising that the dispute was matrimonial for which such harsh punishment was not required. It is next submitted that had the petitioner been able to collect the information, which he collected when the instant F.I.R. came to be instituted and his service got terminated, about the conduct of the informant perhaps his service would not have been terminated as he would have been in a position to produce all the relevant documents before his superior authorities to bring to their notice that the marriage of



the informant with the petitioner itself was void since inception as she without obtaining divorce even from her first husband had performed the fourth marriage with the petitioner.

5. Learned senior counsel submits that the concerned Superintendent of Police be directed to hold an inquiry against the conduct of the informant and in the event if it is found that she had performed three marriages prior to marrying the petitioner in that event a criminal case be instituted against her so that the informant in future does not extort money from other innocent persons who fall in trap of the informant. It is also submitted that informant even has a child from her first marriage with Shailendra Prasad Gupta.

6. The learned senior counsel for the petitioner submits that the intention of the informant was only to extort the petitioner as he was working with the C.I.S.F. and the petitioner fell in trap of the informant. The learned senior counsel, at the cost of repetition, submits that how the petitioner can be compensated when his service stands terminated.

7. The learned counsel appearing on behalf of the opposite party no.2 based on instructions submits that he has instructions not to oppose the anticipatory bail of the petitioner.

8. Considering the submissions made by the learned



senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tharthari P.S. Case No. 59 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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