

In the Court of 1st Addl. Sessions Judge Cum Spl. Judge S.C./S.T. (POA) Act,
Sitamarhi.
B.P.No. 1824/2022
02/2023.

Amar Kumar Petitioner.
Versus

State of Bihar O.P.
02.02.2023.

Heard Sri Arvind Thakur, learned counsel for the petitioner (1) Amar Kumar, who is in custody since 05.12.2022, in connection with Complaint Case No. CI-413/2018 u/s. 498(A) I.P.C. Also heard the learned Addl. P.P. for the State.

There is allegation in the complaint petition that the complainant Shobha Devi was solemnized with petitioner Amar Kumar on 29.05.2013 and came to her matrimonial house and thereafter she blessed with a son and a daughter out of their wedlock, but later on she was being subjected to cruelty due to non-fulfilment of demand of money for running business by the petitioner in various ways. It is alleged that on 18.12.2018 at 12 O'clock mid-night, all the accused persons including petitioner assaulted her with fists and slaps, tried her hands and legs and tried to set her on fire after sprinkling K. Oil on which complainant raised alarm whereby nearby persons reached there and saved her. On the next day, the complainant came to her father's house and narrated the entire story. Her father along with witnesses went to the house of her in-laws and tried to pacify the matter but failed.

The learned counsel for the petitioner has submitted that he is innocent and has committed no offence. No other bail petition has been filed on behalf of the petitioner either before this court or before the Hon'ble High Court, Patna earlier. It has been further submitted that previously the complainant filed a complaint case vide No. CI-470/2014 which was disposed of on the basis of compromise. Again the present case has been filed only with a view to torture the petitioner. One maintenance case bearing 01.2019 was also filed by the complainant against the petitioner which was also disposed of without compromise. The petitioner was allowed anticipatory bail vide A.B.P.No. 993/2022 by the Sessions Judge, Sitamarhi with conditions on 12.07.2022. Thereafter the petitioner took his wife to his home and kept her honestly but the complainant does not want to reside with him and reconciliation matter between the parties was failed and so on 05.12.2022, the learned lower court has rejected the bail bond of the petitioner on the petition filed by the complainant and taken into custody and since then, he is in custody. The petitioner never tortured his wife and tried to keep her with him but even then she does not want to reside with him. He has no criminal antecedents. Thus, he prayed to release the petitioner on bail.

The learned Addl. P.P. along with the learned counsel for the complainant vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner and his family members always tortured the complainant and tried to kill her.

Perused the record. It appears that a complaint petition was filed in the court against the petitioner and others in which after enquiry u/s. 202 Cr.P.C. summons were issued against the petitioner and another u/s. 498(A) I.P.C. on 28.06.2021. The petitioner preferred A.B.P.No.

993/2022 before the Sessions Judge, Sitamarhi and the same was allowed with conditions that the learned court below will be at liberty to extend the privilege of bail time to time till disposal of the case and will try to reconcile the dispute in between the wife and husband. The bail bond of the petitioner was accepted provisionally and the reconciliation matter between the wife and husband was failed and due to that, the learned lower court has rejected the bail bond of the petitioner/husband and was remanded to jail.

Today, the complainant also appeared before this court by filing her hazari with her learned counsel. The petitioner Amar Kumar also produced from the Jail on production warrant issued by this court. After severe attempt by the learned counsels of both sides and also by the court, the reconciliation between both wife and husband failed. The petitioner, who is husband of the complainant fully liable to maintain his wife/complainant also liable to provide facility to the complainant but he failed to do so. It appears that there is no chance of reconciliation in between them. The petitioner was granted anticipatory bail by the Sessions Judge, Sitamarhi with some conditions but he did not follow the same and so the learned court below has rejected his bail bond. There is direct allegation against the petitioner.

Under such facts and circumstances of the case as discussed above, I do not find any merit in the bail petition of the petitioner. Accordingly, his prayer for bail of the petitioner stands rejected. However, the learned lower court is directed to conclude the trial of this case within four months on day-to-day basis. The petitioner is remanded back to Jail.

(Dictated)

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