

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18898 of 2014

Arising Out of PS.Case No. -82 Year- 2009 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Rakesh Ranjan Kumar @ Rakesh Ranjan Son of Shri Jagdish Prasad R/o Mohalla-Marooofganj, Kaima Sikoh near Sakri, Masjid, P.S. Chowk, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt Rekha Devi Wife of Rakesh Ranjan Kumar At present residing at Kalamanch through Shri Raju Singh, Bhai, P.S. Kadamkuan, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 16-01-2015 Heard the parties.

This is an application for anticipatory bail for the offence punishable under sections 498 (A) and 323 of the I.P.C.

Allegedly the petitioner tortured and assaulted the complainant due to the reason that the petitioner has developed illicit relationship with one Prity Devi. Further all the belongings have been snatched away.

Submission is that after filing the divorce case bearing No. 56 of 2008 the complainant filed a complaint case with wrong and false allegation. In divorce case the complainant appeared and filed the written statement and then left the case and that has been

decreed by the Principal Judge, Family Court, Ranchi. Further the complainant filed another case which has been stayed by this Hon'ble Court by order dated 11.03.2014 passed in Cr. Misc. No. 10418 of 2013 and in spite of notice the Opposite party No.2 has not appeared here also.

The learned A.P.P. opposes the prayer for pre-arrest bail by submitting that the petitioner is husband.

Considering the submissions urged at the bar, going through the record and noticing that the petitioner has obtained the divorce decree and here also after receiving notice the complainant is not appearing and as such in view of divorce decree the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Niharika, J.M. Ist Class, Patna in connection with Complaint Case No. 82 © of 2009, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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