

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25399 of 2014

Arising Out of PS.Case No. -5 Year- 2014 Thana -SITAMARHI District- SITAMARHI

1. Rajesh Raut S/o Satnarayan Raut, R/o village- Rewasi, Pakari, P.S.- Riga,
District- Sitamarhi A/p- Shri Krishna Nagar, Binma Tola, Kamla Garden,
Mehsaul, Ward No. 1, P.S. + District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi W/o Rajesh Raut, A/p Shri Krishna Nagar, Binma Tola,
Kamla Garden, Mehraul, Ward No.1, P.S. + District- Sitamarhi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Anant Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

5 18-03-2015 Heard both sides.

The petitioner apprehends his arrest in Sitamarhi P.S.
Case No. 05/14, registered for the offences punishable under
Section 498(A)/34 of the Indian Penal Code and ¾ of D.P. Act..

Learned counsel for the petitioner submits that the
petitioner is the husband and he is ready to keep his wife. The

marriage was solemnized about 15 years ago. The petitioner has got four children and the wife is living with one Sukhdeo Rai. The petitioner had gone to bring his wife from the house of said Sukhdeo Rai but his wife and others assaulted him and for which Sitamarhi P.S. Case No. 714 of 2013 was registered.

Learned counsel for the informant/complainant on the other hand submitted that the informant earlier filed Sitamarhi (Mahila) P.S. Case No. 06/2013 in which husband and wife compromised the case. On the ground of compromise the petitioner was granted bail, but again the petitioner assaulted his wife and ousted her alongwith children, thereafter she lodged this case. It is submitted that on the date on which the informant alleged that she was assaulted, she was not in his house. It appears that after compromise, informant was living in the house of the petitioner but the petitioner assaulted her and ousted her from his house.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail

and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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