

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22412 of 2016**

Arising Out of PS.Case No. -354 Year- 2015 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Vikash Kumar S/o Arun Kumar Rai, Resident of Mohalla- Barapatthar,  
West of PNT Colony, P.S.- Town, District- Samastipur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Mahesh Chandra Rai S/o Late Ram Nihora Rai, Resident of village-  
Chandauli, P.S.- Warisnagar, District- Samastipur, Present Address B-  
466, Gali No. 12, Prem Nagar II, Kiradi, Delhi- 110086
3. Pooja Kumari, W/o Vikars Kumar, Resident of Mohalla- Barapatthar,  
West of PNT Colony, P.S.- Town, District- Samastipur, D/o Mahesh  
Chandra Rai, Resident of village- Chandauli, P.S.- Warisnagar, District-  
Samastipur, Present Address B- 466, Gali No. 12, Prem Nagar II,  
Kiradi, Delhi- 110086

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad  
For the Opposite Party/s : Mr. Anish Chandra(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      18-10-2016      The petitioner being husband of the daughter  
of the informant is apprehending his arrest in a case registered  
for the offences punishable under Sections 363, 365, 368, 498A  
of the Indian Penal Code.

The prosecution case is that the informant's  
daughter marriage was solemnized with the petitioner in 2009  
and thereafter the daughter of the informant gave birth to a  
male child. Subsequently, the informant came to know that his  
daughter and her minor son have been confined by the  
husband and other in-laws and thereafter torture was inflicted.

It is submitted by learned counsel for the

petitioner that petitioner admits his marriage with the informant and birth of a male child. The wife of the petitioner in her 164 Cr.P.C statement denied the factum of abduction. The petitioner is still ready to keep the informant with dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That the petitioner is ready to look after the informant as his wife with full dignity and honour but it is the daughter of the informant who did not want to lead her conjugal life with the petitioner.”

The notices were issued to the wife of the petitioner/O.P. No. 3 vide order dated 18.05.2016. It appears from the office note dated 17.10.2016 that ordinary process of notice has been received by O.P. No. 3 personally, however service report of registered cover notice has not been received. In the circumstance, the notices issued to O.P. No. 3 deemed to be validly served.

Keeping in view of the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Town P.S. Case No. 354 of 2015, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

The present order, in no way will preclude the wife of the petitioner to resume the conjugal life. If she files such an application before learned Court below then petitioner will be obliged to comply the undertaking given before this Court.

**(Dinesh Kumar Singh, J)**

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