

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28382 of 2017

Arising Out of PS.Case No. -129 Year- 2016 Thana -SARAI RANJAN District- SAMASTIPUR

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Rakesh Chaudhary @ Rakesh Kumar, son of Chandrashekhar Chaudhary,
Resident of Village- Chakdaulat, P.S.- Ujiyarpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Arti Kumari, D/o Harinath Jha, R/o Village- Chak Daulat, P.S.- Ujiarpur,
District- Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajit Kumar,
Mr. Shailender Kumar, Advocates
For the State : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 06-07-2017 I have heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in a case
registered for offences punishable under Sections 498A, 504/34
of the Indian Penal Code.

It is contended on behalf of the petitioner that marriage
was solemnized in the year 2013 and it is alleged that petitioner
and his family members started demanding rupees five lacs for
construction of house and started torturing the opposite party no.2.
It is further contended that her father had given rupees three lacs
but despite that, they could not be pleased and demanded rest



amount, i.e., rupees two lacs and after refusal, the petitioner assaulted the informant and flatly refused to keep her.

However, at the time of hearing, learned counsel for the petitioner submits that petitioner is ready to lead happy and harmonious conjugal life with his wife extending her full dignity and honour.

Having regard to the facts and circumstances of the case, this Court would grant provisional anticipatory bail to the abovenamed petitioner till 11th September, 2017 in the event of arrest/surrender before the court below within a period of six weeks from today in Sarai Ranjan P.S. Case No. 129/16, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of A.C.J.M., VIth, Samastipur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

In the meantime, the petitioner would be at liberty to appear before the District and Sessions Judge concerned by filing an affidavit that he is ready to lead a harmonious conjugal life with her wife and if the wife becomes ready to go with him then they will be allowed to go with each other and the provisional bail of the petitioner would be made absolute by the District and



Sessions Judge.

However, it is made clear that the husband appears to keep the wife and the wife would not be ready to go with him then in such case the court concerned would be required to take a decision on merit once again.

The District and Sessions Judge for the purpose of negotiation in between the wife and the husband would also be at liberty to extend the period of provisional bail.

(Dr. Ravi Ranjan, J)

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