

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 7689 of 2019**

Arising Out of PS. Case No.-62 Year-2018 Thana- Mahila P.S. District- Muzaffarpur

Chandan Raj, aged about 42 years, sex – Male, son of Uma Shankar Sinha,  
resident of village- Banaras Bank Chowk, P.S. - Nagar, District - Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. Archana Kumari, aged about 38 years, sex – Female, wife of Chandan Raj,  
daughter of Ajay Singh, resident of village- Banaras Bank Chowk, P.S.-  
Nagar, Distt.- Muzaffarpur and at present resident of C/o Dhiraj Kumar  
mishra, chuna Bhatthi road, near Chaudhary Store, Malighat, P.O.- Ramna,  
P.S.- Town, Distt.- Muzaffarpur.

... .. Opposite Parties

**Appearance :**

|                            |                     |
|----------------------------|---------------------|
| For the Petitioner/s :     | Mr. Yugal Kishore   |
| For the Opposite Party/s : | Ms. Gulnar Begum    |
|                            | Mr. Ashok Kumar Jha |

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3. 04-04-2019                      Heard Sri Yugal Kishore, learned counsel for the  
petitioner, Ms. Gulnar Begum, learned Addl. Public Prosecutor  
as well as Sri Ashok Kumar Jha, learned counsel, who has  
appeared on behalf of informant on notice.

The petitioner, husband of the informant,  
apprehending his arrest in Mahila P.S. Case No. 62 of 2018  
registered for offence under Sections 498(A), 323, 379, 504/34  
of the Indian Penal Code, has prayed for grant of anticipatory  
bail.

It was submitted by learned counsel for the petitioner  
that petitioner, being suffered cruelty at the hand of his wife, has



filed a case for dissolution of marriage, vide Divorce Case No. 300 of 2018, which was filed on 16-07-2018. Learned counsel for the petitioner has drawn my attention to statement made in paragraph 10 and 11 of the present petition to show that in divorce case, notice was issued and after receipt of notice in divorce case, the present case was filed by the informant. Accordingly, a prayer has been made for extending the privilege of anticipatory bail.

Sri Ashok Kumar Jha, learned counsel for the informant tried to persuade the Court that the informant/wife of the petitioner is ready to reside with the petitioner. He further submits that the informant has not at all received any notice in the divorce case.

Be that as it may, considering the fact that initially the petitioner had filed divorce case and it has been stated on oath in paragraph – 11 of the petition that after receipt of notice in the divorce case, the present F.I.R. has been lodged, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, the petitioner namely Chandan Raj be enlarged on bail on furnishing bail-bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1<sup>st</sup>, Muzaffarpur in connection with Mahila P.S. Case No. 62 of 2018 (G.R. No. 7252 of 2018), subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Rakesh Kumar, J.)**

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