

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36372 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- SHASTRINAGAR District- Patna

NIRAJ KUMAR, Son of Vijay Kumar Shah @ Vijay Kumar Sah Resident of Sanjay Nagar Road No.1, Mithapur, Bus Stand, Police Station-Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meenakshi Kumari, W/o Neraj Kumar, D/o Sri Kishori Prasad, R/o Machhli Toli, Chanakyapuri, Raja Bazar, P.S.- Shastri Nagar, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-08-2019 The petitioner apprehends his arrest in connection with Shastri Nagar P. S. Case No. 118 of 2019 registered under Sections 323,354C, 387/34 and 447 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that marriage of the informant was solemnised with the petitioner on 17.06.2012 and soon after the marriage, petitioner started assaulting the informant. It has further been alleged that informant got a job in R.P.C. in I.C.I.C.I. Bank in the year 2015 and petitioner used to snatch her monthly salary and also used to assault her. It has also been alleged that on 13.12.2018, he assaulted the informant black and blue. It has further been alleged that on 06.02.2019, petitioner, along with three other



persons, entered into her house and abused her on the gun point and pressurised the informant to come back to his home, failing which entire family members would be killed.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case based upon concocted story and in fact both, O.P.No. 2 and petitioner are wife and husband and there is marriage dispute between them. He submits that O.P.No. 2 had earlier filed a case under Section 498A of Indian Penal Code against the petitioner in which he is on bail.

On the other hand, learned counsel for the O.P.No. 2 submits that petitioner has brutally assaulted O.P.No. 2 and used to assault her regularly and snatched her monthly salary. Learned counsel further submits that all testimonials and educational certificates, which were in custody of the petitioner, were not returned, however, with the intervention of the Court, the same has been handed over to O.P.No. 2 today itself in the court.

After having heard learned counsel for the parties and taking into consideration the fact that dispute is between husband and wife and earlier a case under Section 498A of the Indian Penal Code was filed by the O.P.No. 2 against the



petitioner and all testimonials and educational certificates have been returned by the petitioner to the O.P.No. 2, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Patna in connection with Shastri Nagar P.S.Case No. 118 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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