

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36374 of 2019

Arising Out of PS. Case No.-251 Year-2019 Thana- MASAUDHI District- Patna

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Rajesh Kumar, Son of Late Ram Narayan @ Raj Narayan Singh, Resident of Village- Tarwan, P.S.- Kadirganj, District- Patna, at present residing at Mohalla- Brahmarshi Colony, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preeti Kumari Resident of Village- Tarwan, P.S.- Kadirganj, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-09-2019 This is an application for grant of anticipatory bail in connection with Masaurhi P.S. Case No. 251 of 2019, disclosing offences under Sections 341, 323, 498A, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting cruelty to the informant-wife with respect to demand and torture.

Submission of learned counsel for the petitioner is that petitioner happens to be the Constable in B.S.F. that he is residing at Nuxalite Belt, as such, it is not possible to keep her, but he is ready to provide rented house and also to maintain her. It has further been submitted that he is also ready to keep her



when he will be posted at any peace station. It has further been submitted that a maintenance case has also been filed by the opposite party no.2, being Maintenance Case No. 158 of 2019 which is pending before the Principal Judge, Family Court, Patna and last date was on 29.08.2019.

Heard learned APP as well as learned counsel appearing on behalf of opposite party no.2 also. From the submission of the learned counsel for the opposite party no.2, it appears that opposite party no.2 is insisting to reside in the matrimonial house of the petitioner and as such, she is not ready to accept the offer of providing separate rented house, rather she wants to reside another flat in her Sasural. On the other hand it appears from the impugned order that mother and brother of the petitioner are not ready to keep her with them.

Having heard both sides, considering the facts, as stated above and also considering the fact that petitioner is still ready to continue the marital relationship with the opposite party no.2 and submitted that he will keep her, if he is posted in any peace station, let the petitioner, above named, surrender before the learned court below within a period of four weeks from the date of receipt of certified copy of this order, on surrender, he will be released on bail on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M., Masaurhi, in connection with Masaurhi P. S. Case No. 251 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure on condition that he will pay Rs.10,000/- (ten thousand) per month to the opposite party no.2 till any interim or final order is passed by the Family Court.

It is also made clear that both the parties shall appear before the learned Family Court on the next date fixed and the Family Court after hearing both the parties will pass an interim order of maintenance within a period of three weeks from the date of receipt of certified copy of this order, without being prejudiced by order of this Court.

Let a copy of this order be communicated to the Principal Judge, Family Court, Patna in Maintenance Case No. 158 of 2019 as well as to the learned court below for needful.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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