

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39450 of 2019**

Arising Out of PS. Case No.-661 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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JITENDRA KUMAR Son of Braj Kishore Pandey Resident of Village and  
P.O. Rajwara, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kiran Kumari Wife of Jitendra Kumar Resident of Village and P.O. Rajwara,  
P.S.- Sahebganj, District- Muzaffarpur and presently residing at Village and  
P.O Paroo Mathiya, P.S. Paroo, District-Muzaffarpur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anita Kumari  
For the Opposite Party/s : Mr.Navin Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

7      17-10-2019                      Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with  
Trial No.5646 of 2018 arising out of Complaint Case No.661 of  
2017 , registered for offences punishable under Sections 323,  
498A of the Indian Penal Code.

Notice was issued to the O.P.no.2 and from the office  
notes it appears that neither the service report of ordinary  
process nor acknowledgment has been received and as per the  
Post Tracking report, item delivery confirmed.

Case is under Section 498A of the IPC with respect to  
demand of Rs.2 lac and for that ousting her from the house.

Submission of the learned counsel for the petitioner  
is that as a matter of fact the allegation is that the petitioner is



drunker and the other allegations are false and he is still ready to keep her with dignity and care but she is not ready to reside with the petitioner, which will appear from the impugned order itself.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts that item delivery confirmed by the office notes and the notice through the registered post was also sent but the acknowledgment has not been returned, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Ms. Priti Kumari, J.M. Ist Class, Muzaffarpur in connection with Trial No.5646 of 2018 arising out of Complaint Case No.661 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

**(Vinod Kumar Sinha, J)**

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