

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66489 of 2018**

Arising Out of PS. Case No.-35 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

Rajkiran Jaiswal @ Rajkiran Kumar Son of Mahendra Bhagat, Resident of
Village- Dholbajja, P.S.- Dholbajja, District- Bhagalpur.

... .. Petitioner.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Senior Advocate. Mr. Manoj Kumar Jha, Advocate.
For the State	:	Mr. Chaubey Jawahar, A.P.P.
For the Informant	:	Mr. Arun Kumar, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 01-05-2019 Let the rejoinder/C.A. filed on behalf of the informant
be kept on the record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State as also the learned counsel for the
informant.

The petitioner apprehends his arrest in connection
with Mahila P.S. Naugachia Case No.35 of 2018 registered
under Sections 498(A), 494, 313, 323, 504 and 506/34 of the
Indian Penal Code besides Sections 3/4 of the Dowry
Prohibition Act.

The accusation is that the marriage of the informant
Pushpa Kumari was performed on 31.05.2015 with the



petitioner, who is in service in Air Force, according to Hindu Customs. After 3-4 months of the marriage, the informant was being pressurized to transfer the land and other property of her Maika in favour of her husband (petitioner) and for that, she was being tortured through various modes. In the mean time the informant conceived pregnancy, then her husband (petitioner) and Nanad administered medicine, due to which she lost her pregnancy. While attempt was made by the informant to make the relation cordial but all went in vain. On 02.03.2018, the petitioner pushed her from vehicle & he fled away. The petitioner also used to give threatening to perform his re-marriage.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner is the husband of the informant and, at present, he is posted as Technician in Air Force at Bengluru. In fact, the petitioner has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal life and, due to that reason, the informant has lodged the present case. Moreover, on the basis of the application of the informant, direction was given by the higher authority of the Air Force to the petitioner to pay Rs.11,200/- per month to her, which is being deducted to the salary of the petitioner.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Naugachia, in connection with Mahila P.S. Naugachia Case No.35 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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