

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47667 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- KHAJEKALA District- Patna

NIRAJ KUMAR Son of Sri Raj Kishore Ray Resident of Mohalla - Bari
Patan Devi Colony, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari Wife of Niraj Kumar and D/O- Nagendra Prasad Yadav
Resident of Mohalla - Marwari Colony, Maida Toli, P.S.- Khajekalan,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-07-2019 Heard both sides.

The petitioner apprehends his arrest in Khajekalan P.S. case No. 113/2019 registered under Section 323, 506, 498A of the IPC.

The informant is wife of the petitioner. The informant alleged that after her marriage with petitioner on 10.12.2017 she went to her in-laws house. Her husband is working in Punjab National Bank as Cashier but after one month her husband demanded additional dowry and started subjecting her to physical torture. She left the house of her in-laws and came to her parents' house.

The learned counsel for the petitioner submits that in fact the petitioner never subjected his wife to any sort of torture. The informant wanted to live with petitioner in a separate house but petitioner is not ready to leave his old age parents and that is why some dispute arose between the husband and wife. The



petitioner filed Matrimonial suit No. 814 of 2018 for restitution of conjugal rights. The petitioner also gave informatory petition but wife of petitioner was not willing to come to the house of petitioner. Thereafter, the petitioner filed Divorce case No. 91 of 2019 on 18.01.2019 and when the informant got notice she filed the present FIR only on 25.02.2019.

Taking into consideration the facts that prior to institution of the present FIR the petitioner filed Matrimonial suit No. 814 of 2018 for restitution of conjugal rights and thereafter he filed suit seeking divorce on the ground of cruelty and desertion, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to 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 learned Additional Chief Judicial Magistrate, Patna City in connection with Khajekalan P.S. case No. 113/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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