

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52529 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- THARTHARI District- Nalanda

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JITENDRA KUMAR @ SUNIL KUMAR @ SUNIL KUMAR DUTT S/o
Rameshwar Prasad R/o village- Purandarpur, P.S.- Tharthari, District-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lovekush Kumar

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 21.05.2019 in
connection with Tharthari P.S. Case No. 66/2019 registered for
the offence punishable under Sections 498A, 323, 307, 504,
506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
there has been a subsisting dispute between the parties since
long and only because the informant wanted to take possession
of the property of the petitioner which she claims to have had
constructed by taking loan in her own name, the petitioner has
been framed up in connection with the present case levelling
false and mischievous allegations including those of attempt to
murder. Learned counsel for the petitioner further submits that
he has already preferred Divorce Case No. 296 of 2018 in which



he has alleged adultery and has also stated that he had filed an application for DNA test of the so-called daughter who is said to have been born out of the wedlock between the petitioner and the informant. It is submitted that since long the informant is living in Patna and is working as a Nurse at the PMCH and she has nothing to do nor does she share a residence with the present petitioner.

Learned counsel appearing on behalf of the informant submits that the petitioner was married to the informant in the year 1990 itself and out of the said wedlock, a daughter was born and only to vanquish the informant and her daughter that such false and mischievous claims are being made by the petitioner and he does not deserve the privilege of bail.

Considering the aforementioned facts and circumstances of the case and there being apparently a subsisting dispute which has necessitated the filing of application under Section 13 of the Hindu Marriage Act, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 66/2019.

It is further made clear that if at all there is any act of



recurrence of similar nature as has been alleged, it shall be open to the opposite party to move this Court for cancellation of the bail and any other appropriate orders.

(Anjana Mishra, J)

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