

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58062 of 2019**

Arising Out of PS. Case No.-439 Year-2018 Thana- KADAMKUAN District- Patna

RAJESH KUMAR @ CHINTU Son of Jalim Singh Resident of BSNL Colony, Q.NO. -01, Type-II, Near Bus Stand, Bakshi D Road, P.S.- Town, District- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                        |
|--------------------------|---|--------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K.Agrawal, Sr. Advocate.<br>Mr.Dhananjaya Nath Tiwari, advocate.<br>Ms. Preety Kunwar, Advocate. |
| For the Opposite Party/s | : | Mr.Akhileshwar Dayal                                                                                   |

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

2      13-09-2019      The petitioner apprehends his arrest in connection with Kadan Kuan P. S. Case No. 439 of 2018 registered under Sections 323, 354A, 376 and 506/34 of the Indian Penal Code and 66 of the Information and Technology Act.

The prosecution story, as per FIR, is that father-in-law of the informant had bad eyes on the informant and on 13.11.2012, her father-in-law made forcible physical relationship with her and thereafter he used to make physical relationship with her under threat. It has further been alleged that when she told this fact to her husband, then her husband asked her not to inform the police otherwise she would be killed. It has also been alleged that informant has filed a matrimonial case bearing No. 748 of 2018 pending before the Principal Judge, Patna for divorce against her husband.

Mr. N.K.Agrawal, learned senior counsel appearing on



behalf of the petitioner, submits that petitioner is husband of the informant and a false and reckless allegation has been levelled against his father. Learned senior counsel further submits that upon perusal of the FIR, no offence is made out against the petitioner and a divorce case has been filed by the informant against him whereas petitioner is ready to keep the informant.

After having heard learned counsel for the parties and taking into consideration the fact that allegation of committing rape is upon the father of the petitioner and petitioner is husband of the informant against whom informant has filed a divorce case before the Principal Judge at Patna, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna in connection with Kadam Kuan P.S.Case No. 439 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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