

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75256 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

Rajeev Kumar, son of Sri Keshav Mistry, Resident of East Ashok Nagar, Road
No. 14, Kankarbagh, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Sri Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 06-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Mahila Thana P.S. Case No.14 of 2018 for the offence
punishable under Sections 498A, 341, 323, 307, 504, 506,
509/34 of the Indian Penal Code.

The allegation against the petitioner as per the First
Information Report is that Opposite Party No.2 was married to
the petitioner on 06.12.2014. It has further been alleged that the
petitioner along with other accused persons started demanding
dowry from the informant and her family members and also
assaulted the informant and attempted to burn her alive. It has
further been alleged that mother-in-law snatched golden
ornaments amounting to Rs. 5 lakhs and pushed the informant



from her matrimonial home.

The petitioner is husband of Opposite Party No.2. The matter was referred in Mediation, however, the reconciliation between the parties failed. On request of both the counsels, this matter was kept in the Chamber when petitioner as well as Opposite party No.2 were personally present. Upon query made by this Court, Opposite Party No.2 was willing to live with her husband, i.e., petitioner, however, petitioner refused to live with Opposite Party No.2 and submitted that petitioner has already filed divorce case bearing No.1223 of 2017 before the Family Court, Patna on 15.11.2017, i.e., before lodging First Information Report under Section 498(A). However, during the course of hearing today, Mr. Vikramdeo Singh, learned counsel for the petitioner made an offer to pay a sum of Rs.10,000/- per month to Opposite Party No.2 for meeting her day to day expenses but learned counsel Mr. Diwakar Yadav appearing for Opposite Party No.2 upon instruction submits that his client is not willing to take money from the petitioner and insisted that bail application may be rejected.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and



taking into consideration the fact that the petitioner had already filed divorce suit prior to lodging of FIR under Section 498(A) and the allegation is general and omnibus, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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