

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64337 of 2019

Arising Out of PS. Case No.-503 Year-2019 Thana- KATIHAR District- Katihar

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VINIT KUMAR Son of Gupta Prasad Sah Resident of - Durgapur, Beside of
G. Shop Factory, P.S.- Katihar Nagar, Distt - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Reena Devi Wife of Vinit Kumar D/O- Jhubbar Sah, R/O- Barjhalla,
Budhnagar, P.S.- Pranpur, Distt.- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Katihar Nagar P.S. Case No. 503 of 2019,
registered for the offence pu petitioner nishable under Sections
498(A)/323/34 of the Indian Penal Code and Sections 3 /4 of the
D.P.Act.

The case of the prosecution is regarding infliction of
cruelty by the accused persons including the petitioner herein,
who happens to be the husband of the opposite party no. 2. It is
further alleged that after the petitioner and the opposite party no.
2 were blessed with second girl child, the petitioner and others



had assaulted the opposite party no. 2 and thrown her and her two minor children out of the matrimonial house.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and a divorce case is already going on in between the petitioner and the opposite party no. 2 and in the said divorce case, the opposite party no. 2 had filed a petition under Section 24 of the Hindu Marriage Act for grant of maintenance whereafter the learned court of Principal Judge, Family Court, Katihar by an order dated 23.10.2019 passed in Matrimonial Case No. 122 of 2019 has been pleased to direct the petitioner to pay a sum of RS. 4,000/- per month as litigation cost.

The learned counsel for the opposite party no. 2 submits that the opposite no. 2 be granted liberty to approach the learned court below for grant of maintenance for herself as also for her two minor girl children.

At this juncture, the learned counsel for the petitioner submits that since the opposite party no. 2 is free to exercise her rights in accordance with law, hence this Court is not required to pass any specific orders in this regard.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with Katihar Nagar P.S. Case No. 503 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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