

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72763 of 2019

Arising Out of PS. Case No.-1541 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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RAKESH KUMAR NIRALA Son of Sri Kusheshwar Prasad Sah @
Kusheshwar Prasad Shaw, Resident of Village - Aadampur, Jahajghat, P.S.-
Aadampur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Nandani Nirala w/o Sri Rakesh Kumar Nirala, D/o Ram Bhajjo Prasad Singh, Resident of Village - Rajawar, P.S.- Rajaun, Distt.- Banka, at Present C/o Praveen Kumar, Resident of Mohalla- Lalu Chak Bhattha Road, P.S.- Ishakchak, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 498 A of the Indian Penal Code.

Complainant has filed a complaint case giving rise to complaint case no.1541 of 2017 in which it has been alleged that marriage between complainant and petitioner was solemnized on 28.4.2013 according to Hindu rites and customs and thereafter she went to her matrimonial home and lived there with dignity and from said wedlock, one son is born but



subsequently, she came to know that petitioner had earlier solemnized marriage with Babita Kumari and from whom, he obtained divorce in the year 2015 and there is further allegation that she was forced to sign some blank papers. Complainant remains in fear that petitioner will also divorce her. It is further alleged that petitioner is in habit of living adulteress life. Complainant has also alleged that petitioner abused and assaulted her.

However, from reading of the complaint petition, there is no allegation of torturing the complainant for non-fulfillment of demand of dowry. Both petitioner and complainant appeared before this Court and petitioner undertook that he will keep his wife (complainant) in her matrimonial home with dignity and respect. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.1541 of 2017 subject to the condition



as laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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