

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32348 of 2021

Arising Out of PS. Case No.-57 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

ASHISH KUMAR BHARTI Son of Ambika Prasad Sah Resident of Village -
and P.S.- Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari W/o Anish Kumar Bharti, D/o Binod Kumar Sah Resident of Village - Banshi Jha Lane Chunihari Tola, P.S.- Kotwali, Distt.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Mahila P.S. Case no.
57 of 2018 registered for the offence punishable under sections
498A, 341, 323, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.02.2021 and charge sheet has
been submitted and petitioner is person with clean antecedent.
Learned counsel for the petitioner submits that from perusal of
the allegation as alleged in the FIR, it would manifest that
informant alleges that she was married to this petitioner on
21.6.2010 and she went to her matrimonial home and lived there



for few days peacefully but her husband used to drink alcohol and used to gamble and had affairs with girls. Further, her husband has cloth shop and he spends all his income on his misdeeds and when the informant tried to stop him, he abused and assaulted her for which even complained to her father-in-law and mother-in-law but they did not side with her and even Panchati was called on 17.6.2017 when her husband came at Mahila police station and took the informant back, she lived peacefully for some time and thereafter, it is alleged that demand of Rs 5 lac started and on 20.9.2018 she was ousted from her matrimonial home.

Learned counsel for the petitioner submits that earlier petitioner had instituted Matrimonial case no. 57/2018 under section 9 of the Hindu Marriage Act but despite notice, informant did not appear though petition was allowed exparte but till date informant did not join the petitioner. Learned counsel fairly submits that since petitioner has remained in jail custody for nine months as such issue of settlement between the parties is difficult and as far as maintenance is concerned, informant is free to file a case seeking maintenance.

Learned APP opposed the prayer for bail.

Considering the facts that petitioner is in jail custody



since 10.02.2021, charge sheet has been submitted and he has taken step for restitution of conjugal rights, the petitioner is directed to 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 the Sub divisional Judicial Magistrate, Bhagalpur in Mahila P.S. Case no. 57 of 2018.

(Satyavrat Verma, J)

s.hassan/-

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