

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32245 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

Madhurendera Pratap @ Madhurendera Pratap Singh, Son of Birendra Pratap Singh Resident of Village - Agaion Bazar, P.S.- Agaion Bazar, District - Bhojpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Nitu Devi Wife of Madhurendera Pratap @ Madhurendera Pratap Singh Daughter of Ramchandra Singh, Resident of Village - Bhadar, Post Office - Bhadar, P.S.- Sikaroul, District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the Opposite Party/s	:	Mr. Gopal Krishna Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 06-04-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Agaion Bazar P.S. Case no. 151 of 2019, registered under Sections 323 and 498(A) of the Indian Penal Code and Section 3/ 4 of the D.P. Act.

The accusation is that the marriage of informant/ O.P. No.2 Nitu Devi was performed on 27.04.2009 with the petitioner Madhurendera Pratap @ Madhurendera Pratap Singh according to Hindu customs and after the marriage she was being tortured by her husband and in-laws. In the meantime,



she gave birth of two female issues aged about 9 years and 6 years. The petitioner, husband of informant/O.P. No.2, at the instigation of his family members, used to torture her due to that reasons, she started living in her Myaka and when she returned to her matrimonial house, she was not permitted to enter in the house.

Learned counsel for the petitioner submits that due to adultery made by the informant/O.P. No.2, the petitioner has filed Matrimonial (Divorce) Case No. 341 of 2019 in the Court of learned Principal Judge, Family Court, Bhojpur at Ara. Further submission is that petitioner has already appeared in Maintenance Case No. 105 of 2019, which has been filed by the informant/O.P. No.2 in the Court of Principal Judge, Family Court, Buxar.

On the other hand, learned counsel appearing on behalf of informant/O.P. No.2 submits that informant/O.P. No.2 has two female issues due to wedlock of petitioner, but petitioner has suspicion that he is not father of second child of informant/O.P. No.2. Further submission is that informant/ O.P. No.2 has no means to maintain herself and her two children so Maintenance Case No. 105 of 2019 has been filed in the Court of Principal Judge, Family Court, Buxar.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhojpur at Ara in connection with Agaion Bazar P.S. Case No. 151 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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