

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37715 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- MAHILA P.S. District- Nalanda

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Vishwajit Kumar Bharti @ Bittu, aged about 24 years, Gender-Male Son of
Vinod Paswan, Resident of Village- Bokna, PS- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulafsa Nasreen, age- 22 years, Gender- Female, Wife of Vishwajit Kumar
Bharti @ Bittu, Resident of Village- Bokna, PS- Rahui, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-08-2021

The matter has been heard via video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with
Mahila PS Case No. 37 of 2020 dated 07.03.2020, instituted
under Sections 376, 313, 506 and 377/34 of the Indian Penal
Code.

4. The allegation against the petitioner is that he had
established physical relationship with the informant and also put
vermilion on her forehead and had stated that now she was his
wife and at that time she was carrying a foetus of four and a half



months and later it has been alleged that the petitioner used to abuse her physically.

5. On 20.07.2021, learned counsel for the petitioner on earlier occasion had submitted that without going in the merits, as of now, both the parties have affirmed affidavit on 13.08.2020 that they were living together as husband and wife. It was submitted that the Court may get such fact verified from the authorities concerned.

6. In view of such stand, learned APP was required to obtain a report from the Superintendent of Police, Nalanda with regard to the present status of the relationship between the petitioner and the informant-opposite party no. 2, especially from the opposite party no. 2 as to whether she was living together with the petitioner out of her own free will.

7. Learned APP submitted that the Superintendent of Police, Nalanda has submitted a report dated 04.08.2021, which has also been brought before the Court to which is annexed the report of the SHO, Mahila PS, Nalanda as also the hand written statement of the informant-opposite party no. 2 dated 01.08.2021 in which she has stated that after marriage she has been living well in the matrimonial home and that her expenses relating to studies



was also being borne by her father-in-law i.e., father of the petitioner and that she has no grievance.

8. Having regard to the fact that the petitioner is keeping the opposite party no. 2 in his house as his wife and that she has been accepted in the family and presently has no grievance, the Court is inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Nalanda at Biharsharif in Mahila PS Case No. 37 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner (iii) that the petitioner shall also give an undertaking to the Court that he shall keep the informant-opposite party no. 2 in the matrimonial home with full dignity, honour and security and shall take care of all her needs and that she shall be free to visit, talk to or meet any person she desires, without any let or hindrance by him or his family members and (iv) that the



petitioner shall co-operate with the Court and police/prosecution.
Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution and the informant-opposite party no. 2/her guardians to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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