

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77595 of 2019

Arising Out of PS. Case No.-502 Year-2018 Thana- FATUA District- Patna

RAHUL KUMAR @ RAHUL @ MOGAL PASWAN Son of Late
Yadunandan Paswan Resident of Village - Thegua, P.S. - Fatuha, District -
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kajal Kumari Wife of Rahul @ Mogal Paswan presently residing with her
Mausa Vinod Paswan at village - Thegua, P.S.- Fatuha, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-12-2021 Heard Mr. Hari Kishore Thakur, learned counsel for

the petitioner and Mr. Ram Anurag Singh, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks bail in anticipation of his arrest in
connection with Fatuha P.S. Case No. 502 of 2018 registered for
the offences punishable under Sections 341, 323, 509 and
498(A)/34 of the Indian Penal Code, 1860.

The prosecution case as per the First Information
Report is that petitioner who is the husband of the informant
(Opposite Party No.2) was married to her (informant) about five
years back. It has further been alleged that after marriage, the
petitioner along with other family members started demanding a



sum of Rs.50,000/- as dowry and due to non-fulfillment of the said demand, the informant was tortured by the petitioner and others mentally as well as physically, and lastl on 25.8.2018, the accused persons assaulted the informant and ousted her from the matrimonial home.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that the petitioner is ready to keep the opposite party No.2 as his wife, but she is not willing to live with the petitioner and she has been living along with her relatives.

This Court vide order dated 22.9.2021 had issued notice to the Opposite Party No. 2 and from perusal of the service report, it appears that the notice was validly served upon the Opposite Party No. 2 on 21.11.2021, but nobody is appearing on behalf of the Opposite Party No. 2.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the allegation against the petitioner is general and omnibus in nature, the petitioner is ready and willing to keep (Opposite Party No. 2) as his wife but despite service of notice, the Opposite Party No. 2 has chosen not to appear before



this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within four weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Patna City, Patna, in connection with Fatuha P.S. Case No. 502 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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