

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20509 of 2021

Arising Out of PS. Case No.-528 Year-2019 Thana- DEHRI TOWN District- Rohtas

RAJESH KUMAR S/o Thakur Prasad kansakar R/o village- Purani Bazar,
P.S.- Maharajganj, District- Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. MANISHA KUMARI W/o Rajesh Kumar, D/o Rawati Ramanlal R/o vil-
lage- New Sighauli, Ward No. 3, P.S.- Dalmianagar, District- Rohtas

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Ashok Kumar

For the Opposite Party : Mr.Anand Mohan Prakash Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

9 01-08-2022 Learned counsel for the petitioner is directed to re-
move all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner as well as
learned counsel for the complainant Manisha Kumari.

The petitioner apprehends his arrest in connection with
Dehri Town P.S. Case No. 528 of 2019, registered for the offences
punishable under Sections 323, 354, 504, 506, 498 (A)/34 of the
Indian Penal Code and 3/4 of D.P. Act.

As per allegation, the complainant Manisha Kumari was
married to the petitioner in the year 2009 in Gauri Shankar Temple,
Patna. Customary presents including jewellery etc. were given at
the occasion of the marriage. Complainant came to her matrimonial



house, she lived peacefully and in cordial atmosphere for some years. A child was born out of wedlock of the couple after that family members of the petitioner and petitioner himself demanded rupees five lacs as dowry. When the complainant expressed inability she was assaulted by the petitioner and lastly ousted from the matrimonial house.

Learned counsel for the petitioner has submitted that the petitioner is innocent. As a matter of fact, he wants to keep the complainant with him with full dignity and honour and in this respect he has filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act but the complainant is not willing to reside with the petitioner and she had filed a divorce case against him merely because the petitioner wanted to serve his parents which was not liked by the complainant. She pressurized the petitioner to leave his parents and reside with the complainant which is not possible for him. He has submitted further that she has kept their son with her and she is not allowing him to meet the petitioner.

On the other hand, learned counsel for the complainant has submitted that the petitioner was making some derogatory remarks on social media (Facebook) etc. As such, it is not possible for her to reside with the petitioner. Learned counsel submits further that the complainant wants to reside separately and she is willing to settle the matter as one time settlement.



It was argued earlier also and considering these facts the matter was referred to Mediation and Conciliation Centre, Patna High Court but the mediation could not become successful.

Considering the above-mentioned facts and circumstances and also considering that the petitioner has filed a case for restitution of conjugal rights and restoration of conjugal life has become irretrievable. Let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Dehri (Rohtas), in connection with Dehri Town P.S. Case No. 528 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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