

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34215 of 2021**

Arising Out of PS. Case No.-50 Year-2020 Thana- MAHILA PS District- East Champaran

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AJEET PATEL @ AJEET KUMAR PATEL Son of Jai Ram Patel Resident of
Village - Gaunahi, P.S.- Chhaueradano, Distt.- East champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-01-2022 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph-1 of this bail

application.

Heard Mr. Rajesh Kumar, learned counsel for the
petitioner, Mr. Abhishek Kumar, learned counsel for the
informant and Mr. Kumar Veerendra Narayan, learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 50 of 2020 registered for the offence
punishable under Section 498A/34 of the Indian Penal Code
1860. Subsequently, Sections 341, 323 and 504 of the Indian
Penal Code were added.

The petitioner is husband of the informant and the



allegation is that the marriage of the informant was solemnized with the petitioner about 25 years back and out of the wedlock, the informant was blessed with two daughters and one son. Thereafter, the husband of the informant i.e. petitioner developed illicit relationship with his Bhabhi Mala Devi and when the informant objected, the petitioner started torturing her mentally as well as physically.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case after 25 years of marriage. He further submits that the petitioner has filed the case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Learned counsel also submits that the petitioner is ready to keep the informant with full honour, care and dignity.

On the other hand, learned counsel for the informant submits that the petitioner is not willing to keep the informant as his wife. So far filing of the petition under Section 9 of the Hindu Marriage Act is concerned, that is nothing but a false justification on the part of the petitioner.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the marriage of the petitioner was solemnized about 25



years back, the petitioner is in custody since 20.3.2020 and charge sheet has already been submitted I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate I/C, Raxaul at Motihari, in connection with Mahila P.S. Case No. 50 of 2020.

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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