

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26038 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA P.S. District- Nalanda

RAJESH KUMAR Son of Srichandra Prasad Resident of Mohalla -
Khandakper, P.S. - Biharsharif, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Sony Kumari Wife of Rajesh Kumar and D/o Sita Ram Sao Resident of Mohalla - Khandakper, P.S. - Biharsharif, District - Nalanda. At present resident of Prabhat Colony, Chas, P.S. - Chas, District - Bokaro (Jharkhand).

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Satish Kumar Sinha, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defect(s) as pointed out by the office within a period
of four weeks.

By order dated 04-08-2022, notice was issued upon
the opposite party No. 2. As per the service report, the notice
has validly been served upon the O.P. No. 2 but none appeared
on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case
registered under Sections-376, 498(A), 323/34 of the Indian
Penal Code and 67 'A' of the I. T. Act.



Allegedly, the petitioner and parents in-laws are said to have forced the complainant to establish physical relationship with her Devar. It is further alleged that the petitioner and other accused persons used to compel the victim/complainant to make vulgar languages and photos. There is allegation of demand of dowry also.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. After 17 years of solemnization of marriage between the petitioner and the victim/complainant, the present occurrence took place for petty reasons. Certain super additional allegations have been levelled against the petitioner only to make the offence graver. Such allegations are denied by the petitioner.

Learned counsel for the State submits that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, let the petitioner named above, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, 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 Sub Divisional Judicial Magistrate, Nalanda, Bihar Sharif in connection with Nalanda Mahila P.S. Case No. 71 of 2021 subject to the conditions as laid down under Section-438(2) of the Code of Criminal Procedure.

The petitioner will cooperate during the trial.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

