

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30477 of 2022

Arising Out of PS. Case No.-1236 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

RAJEEV KUMAR Son of Shrawan Yadav Resident of Village - Kurbhapar,
P.S.- Nagarnausa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498A, 494 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is the husband of the complainant and has antecedent of one case which was earlier filed by the present complainant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that he is always willing to keep the complainant with honour and dignity and has never demanded any dowry, it is further submitted that the marriage was solemnized in the



year 2007 and the present case came to be instituted after 12 years of marriage and in between these 12 years no case ever came to be to instituted. Learned counsel next relies on Annexure-3 to the anticipatory bail application to submit that the complainant has already performed her second marriage with Rajeev Kumar, Son of Shrawan Kumar, Resident of Village- Kudwapur, P.S.-Nagarnausa.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though a submission based on instruction has been made that complainant has performed her second marriage but from perusal of Annexure-3, it appears that the said document does not inspire confidence.

Considering the submission made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender is directed to be released on **provisional bail** within a period of six weeks from today on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nalanda P.S. Case No. 1236 of 2019 subject to the conditions as laid down under Section 438 (2) of the



Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, namely Shrawan Yadav.

The learned trial court shall inform the complainant about this order and will give an opportunity to both petitioner and the complainant of hearing and in the event, if the learned trial court comes to a conclusion that the Court was misled for the purposes of obtaining anticipatory bail and the complainant has not performed her second marriage, the bail bonds shall be cancelled immediately and all coercive steps shall be taken against the petitioner for sending him behind bars, further if the learned Trial Court comes to a conclusion that complainant has performed her second marriage or the complainant does not appear to contest within two months from the date when notice is issued and duly served upon her, then the Provisional Bail shall be confirmed on the same terms and condition.

(Satyavrat Verma, J)

Rishabh/-

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

