

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47739 of 2021

Arising Out of PS. Case No.-284 Year-2021 Thana- AMARPUR District- Banka

RAJIV KUMAR @ DR. RAJIV KUMAR S/o Dr. Sitaram Sharma @ Dr. Sitaram Mistri R/o village- Mahamadpur, P.S.- Amarpur, Distt.- Banka, Bihar PIN 813101

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Sharma W/o Rajeev Sharma, D/o Sri Vijay Singh R/o village- Mahamadpur, P.S.- Amarpur, Distt.- Banka, Bihar, PIN 813101

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amitabh Sohan, Advocate
For the Informant	:	Mr. Akhilesh Dutta Verma, Advocate
For the State	:	Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioner, Mr. Akhilesh Dutta Verma, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Amarpur (Dist. Banka) P.S. Case No. 284 of 2021 instituted for the offences under Sections 341, 323, 504/34 and 498(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that he has filed a supplementary affidavit dated 11.01.2022 bringing on record the fact that charge-sheet has been submitted in the present case and the learned court below has been pleased to take cognizance under



Section 307 of the Indian Penal Code apart from the Sections which are there in the FIR.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.06.2021, is a person with clean antecedent and charge-sheet has been submitted in this case and the informant alleges that on 13.06.2021, the petitioner and his family members assaulted her and ousted her from the matrimonial home and further petitioner is having an illicit relationship with one female.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature and if the informant alleges that the petitioner is having relationship with a female then the name of the female ought to have been disclosed. It is submitted that the said allegation has been made only to malign the character of the petitioner. Learned counsel for the petitioner submits that the petitioner and the informant were married in the year 2010 and, out of wedlock, they have children even, but the differences between the two keeps cropping up which has led to the present situation. Learned counsel for the petitioner further submits that petitioner has filed Divorce Case No. 109 of 2020 before the Family Court, Banka on 28.11.2020 and it was only after the informant came to know about the pendency of the divorce case that the present FIR came to be instituted.

Learned counsel for the informant and learned A.P.P. for



the State vehemently opposes the prayer for regular bail of the petitioner.

Learned counsel for the informant submits that in the event if this petitioner is enlarged on bail, the life of the informant will be in danger as she apprehends that after his release the petitioner will again assault her. The learned counsel for the petitioner rebuts the submission by submitting that petitioner has already filed a divorce case and the informant is not staying with him, as such, question of assault is a misplaced apprehension of the informant.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in this case and the allegation as alleged in the FIR appears to be general and omnibus in nature, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur (Dist. Banka) P.S. Case No. 284 of 2021.

(Satyavrat Verma, J)

Kundan/-

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

