

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39408 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- MAHILA P.S. District- Madhepura

NIRAJ AMBEDKAR Son of Bisheshwar Ambedkar Resident of village- Babhangama Ps- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari Wife of Niraj Ambedkar Resident of village- Babhangana PS- Bihariganj, District- Madhepura , At present Resident of village- Puraini Bazar PS- Puraini Bazar District- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Madhepura Mahila P.S. Case No. 42 of 2021 registered for the offences punishable under sections 498(A), 323, 494, 379, 504, 506, 34 of the Indian Penal Code and section 3/4 of Dowry Prohibition Act.

As per the allegation, the informant's husband and her in-laws started humiliating and torturing her due to non-fulfillment

of demand of Rs. 50,000/-. It is further alleged that the informant's husband and in-laws assaulted her and removed her from the matrimonial house on 24.04.2021.

The main submissions advanced by learned counsel Shri Ranjay Kumar Singh appearing for the petitioner are that the petitioner has been languishing in jail since 13.04.2022, the allegation that the petitioner has solemnized second marriage with another woman is completely false and in actual the petitioner has filed a Matrimonial Suit under section 9 of the Hindu Marriage Act, 1955 for the restitution of his conjugal rights and he is completely willing to keep his wife in his company.

Shri Suresh Prasad Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly considering the facts that the investigation has been completed against the petitioner and he has been languishing in jail since 13.04.2022, the alleged offences are triable by First Class Magistrate and the petitioner has taken the plea that he has filed a Matrimonial Suit under section 9 of the Hindu Marriage Act, 1955 for the restitution of his conjugal rights, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the

petitioner be released on bail on furnishing bail bond of Rs.
10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the S.D.J.M., Madhepura in
Madhepura Mahila P.S. Case No. 42 of 2021.

(Shailendra Singh, J)

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