

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38546 of 2019**

Arising Out of PS. Case No.-366 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAJIV KUMAR Son of Ram Vishwas Rai Resident of village- Manikpur,
Musharniya, Post- Andoli, Police Station- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ragni Kumari Wife of Sri Rajiv Kumar Resident of village- Manikpur,
Musharniya, Post- Andoli, Police Station- Parihar, District- Sitamarhi.
Present Address- Ragini Kumari, D/O Ram Dinesh Rai, Resident of Village-
Bishnupur Tole, Bagdah, Ward No. 10, Post- Bishnupur, Police Station-
Bela, District- sitamarhi.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 36381 of 2019

Arising Out of PS. Case No.-366 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. RAM VISHWAS RAI @ JATHU RAI Son of Late Tanuk Rai Resident of
Village- Manikpur, Musharniya, Post- Andoli, P.S.- Parihar, District-
Sitamarhi.
 2. Kusum Devi Wife of Ram Vishwas Rai @ Jathu Rai Resident of Village-
Manikpur, Musharniya, Post- Andoli, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38546 of 2019)

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Amitesh Kumar

(In CRIMINAL MISCELLANEOUS No. 36381 of 2019)

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 07-01-2022 Heard learned counsel for the petitioners and learned



Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 366 of 2018 registered for the offences punishable under Sections 143/323/504/379/498A/307/120B of the Indian Penal Code and $\frac{3}{4}$ of the D.P. Act.

Learned counsel for the petitioners submits that there has been a compromise between the parties and the petitioner (husband) is ready to keep his wife, but due to COVID-19 pandemic, he could not go to take her back.

It seems that the petitioner is only delaying the proceeding as he has got interim protection by this Court.

In such view of the matter, the petitioner (husband) is directed to visit his *Sasural* and take opposite party no.2 with him before 24th of January, 2022 and, thereafter, both the parties will file a joint application in the Court below and, thereafter, the petitioner shall be released on anticipatory bail.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with



Complaint Case No. 366/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

If, the petitioner does not bring his wife before 24th of January, 2022 and does not file a joint petition in the Court below then the interim protection granted to the petitioner shall be vacated and the order of anticipatory bail shall be treated as recalled.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

Saif/-Pawan

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