

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19695 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJU KUMAR YADAV Son of Baleshwar Rai Resident of Village - Chinta-
manpur, P.s.- Belsar OP, Distt.- Vaishali , At present Village - Ratwara, P.s.-
Sadar, Distt.- Muzaffarpur. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GITANJALI KUMARI Wife of Raju Kumar Yadav, Daughter of Harivansh
Ray Resident of Village- Madhopur, P.S.- Maniyari, District- Muzaffarpur
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
For the Opposite Party/s	:	Mrs. Meena Singh, APP
For the O.P. no. 2	:	Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 11-09-2023 Heard learned counsel for the parties.

2. The petitioner prays for grant of anticipatory bail apprehending his arrest in connection with Sadar P.S. Case no. 289 of 2021 registered under sections 307, 498A, 341, 323, 354, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner was married to the informant in the year 2015. The informant states that she gave birth to a male child in the year 2017. The accused persons including the petitioner herein assaulted the informant, took away various article and forced the informant along with her small child out of the house. They also filed a divorce case. It is further stated that besides the physical and mental torture being inflicted by the petitioner, the petitioner also reached the office where the informant was temporarily working and as-



saulted her in presence of many persons. He forcibly took away Rs. 5000/- from her purse.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of his being the husband of the informant. The allegations are false and incorrect. It was the informant who deserted the petitioner which led to the petitioner filing a suit for restitution of conjugal rights in the year 2020 in the Court of the Principal Judge, Family Court, Munger which was registered as Matrimonial Restitution Case no. 418 of 2020 and it was subsequent thereto that the instant FIR was registered on 10.4.2021. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the above suit for restitution of conjugal right has been filed only to set up a defence for himself. It is submitted that the informant has already filed a maintenance case in the learned Court below which has been registered as Maintenance Case no. 248 of 2020 and is pending in the Court of Principal Judge, Family Court, Munger. However, as per oral instructions received the petitioner is neither appearing in the said case nor the informant and her minor



child being paid any maintenance.

6. In reply the petitioner undertakes that he will appear in the said case within four weeks from today.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the filing of the suit for restitution of conjugal rights prior to registration of the FIR, it is directed that in the event of his arrest or surrender within four weeks, the petitioner be enlarged on bail in connection Sadar P.S. Case no. 289 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Chief Judicial Magistrate, Muzaffarpur.

8. However, it is made clear that in case the petitioner does not appear in the maintenance case or does not cooperate and abide by the directions made therein, it would be open to the informant to file an application for cancellation of bail of the petitioner in the learned Court below which, if so filed, shall be taken up at the earliest.

(Partha Sarthy, J)

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