

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21964 of 2022

Arising Out of PS. Case No.-58 Year-2020 Thana- RUPASPUR District- Patna

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Kamla Kant Prasad, Male aged about 53 years, Son of Late Vishwanath Prasad, Resident of Village - Lav Kush Nagar, Ward no.02, near Machhli Talab, East Gola Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Anand Tanuja, Female wife of Kamla Kant Prasad, Resident of Mohalla- Lav Kush Nagar Road No. 02, Ward No. 37, Police Station- Rupaspur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Nil Kamal, Advocate
For the State	:	Mr. Akbar Ali, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 04-09-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Rupaspur P.S. Case No. 58 of 2020 dated 10.02.2020 instituted for the offence punishable under Sections 341, 323, 307, 498(A), 504, 506/34 of the Indian Penal Code and later on Section 313 of the Indian Penal Code is also added.

3. The allegation against the petitioner is that he



assaulted the informant on her head, stomach and chest by punches and wants to kill her and her children because he is in love with Krishna Kumari and wants to marry with her.

4. Learned senior counsel for the petitioner submits that the marriage between petitioner and informant was solemnized in the year 2000 as love marriage; he became D.S.P. in Bihar Government in the year 2005, purchased land in the name of informant and constructed a pucca house after getting heavy loan from the Bank. The informant with his father residing there. The quarrel took place between the parties and case and counter case lodged between the parties.

5. Learned senior counsel for the petitioner submits that petitioner is presently suspended from the service and he undertakes to pay Rs. 25,000/- per month after revocation of suspension and when his regular salary starts, the petitioner undertakes to pay Rs. 12,500/- per month out of subsistence allowance to be received by him during suspension period. He further submits that the petitioner will also pay the entire loan amount of the house situated at Gola road in the name of the petitioner and the informant.

6. Learned APP for the State and learned counsel for the informant have no objection to this offer and not opposed



the anticipatory bail of the petitioner in view of the undertaking of the petitioner.

7. In view of the facts and circumstances of the case, undertaking given by learned counsel for the petitioner and considering the submissions made on behalf of the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II Ind Danapur, Patna in connection with Rupaspur P.S. Case No. 58 of 2020, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973 and on further conditions that:

(i) Petitioner shall comply the undertaking stated in para 5 of this order.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court.

(iii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the above conditions imposed upon him his bail



bond will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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