

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26021 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- MAHILA PS District- Jehanabad

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RITESH KUMAR RITURAJ @ RITURAJ @ RITESH KUMAR RITURAJ
Son of Sri Devnandan Prasad Resident of Village - Dedhpura, P.S.- Mahnar,
Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankita Kumar, d/o Chandradeep Singh Yadav, r/o Adarsh Colony, Kako
road, PS+Dist-Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 24-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Mahila PS case no. 44 of 2021 instituted for the offences
punishable under Sections 376, 313, 418, 420, 498A, 120(B)
of the Indian Penal Code.

The case of the prosecution in brief is that the
petitioner used to exploit the informant physically, on the
pretext of solemnizing marriage with her, since the last 07
years, whereafter, she became pregnant on several occasions,
however, the petitioner used to get her foetus aborted. It is
also alleged that thereafter, the marriage of the informant and



the petitioner was solemnized on 13.06.2015 at Patna City before the Marriage Registrar and then they started their conjugal life, however, the petitioner and his family members started demanding dowry as also used to mentally and physically harass the informant, whereupon she was ousted from her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 16.03.2022. The learned counsel for the petitioner has further submitted that the petitioner was granted provisional bail for a period of 03 months by an order dated 28.09.2022 for the purposes of joining mediation proceedings and then the petitioner had also appeared before the learned Mediator of the Mediation and Conciliation Cell, Patna High Court, Patna, however, the mediation has failed, nonetheless, the petitioner has surrendered before the learned trial court on 21.01.2023 and is in custody. It is also submitted that the petitioner is ready and willing to pay a sum of Rs. 10,000/- per month as maintenance to his wife for the purposes of grant of bail.

Per contra, the learned counsel for the



informant as also the learned APP for the State have though vehemently opposed the prayer for bail but have jointly submitted that if this Court is of the opinion that Rs. 10,000/- per month by way of maintenance, would be sufficient, then the petitioner be granted the privilege of bail, however, the informant be granted liberty to initiate appropriate proceedings, as are permissible under the law.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that mediation has failed and the parties want to pursue the remedies available to them under the law, I deem it fit and appropriate to admit the petitioner to the privilege of bail, subject to the petitioner paying a sum of Rs. 10,000/- per month as maintenance to his wife i.e. the informant, which shall be paid in the first week of every month, as also subject to such other conditions as may be deemed appropriate to be imposed by the learned court of S.D.J.M., Jehanabad, in connection with Mahila PS case no. 44 of 2021.

It is needless to state that in case of any default on the part of the petitioner to pay the amount of monthly



maintenance to the informant i.e. a sum of Rs. 10,000/-, the present privilege of bail being granted to the petitioner, shall stand cancelled automatically and the petitioner would be liable to be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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