

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48699 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- BASANTPUR District- Siwan

RAKESH KUMAR PANDEY @ SHAILESH KUMAR PANDEY S/O
YOGENDRA PANDEY Resident of village- Shaharkola, P.S.- Basantpur,
District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHIKHA PANDEY D/O LATE RAJDEO SINGH and WIFE OF RAKESH KUMAR Resident of Village- Lowa, P.O. and P.S.- Banipur, District- Saran, presently residing at Flat No- 2, 5th Floor, Laxmi Apartment, Ward No- 20, AMC Asansol (South), District- Paschim Burdhaman, West Bengal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar,Advocate
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary,APP
For the Informant	:	Mr. Ranjan Kumar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection with Basantpur P.S. Case No. 397 of 2021 for the offence registered under Sections 341, 323, 307, 354C, 379, 498A, 494, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution story, the lady was married to the petitioner and from the said wedlock, the couple was blessed with two daughters. However, in 2021, upon information that he



had tied nuptial knots with another lady, as she wanted to enquire the matter, the accused persons tried to kill her. Allegation against this petitioner as also the other accused persons is of hitting on her stomach for which she had rushed to the hospital. Accordingly, the FIR was lodged.

In this case, notice was issued and pursuant thereto the informant has appeared.

Learned counsel for the petitioner submits that a suit for separation has already been preferred by the petitioner vide Civil Miscellaneous No. 401 of 2021 and upon knowledge, the present FIR was lodged. He however, submits that till any order is passed in the said suit, she is the legally wedded wife and also having two children, the petitioner on his own would like to extend financial assistance of Rs. 10,000/- per month beginning February, 2023 which will be transferred to her bank account every month failing which the informant will have all right to take steps for cancellation of his bail in accordance with law.

Learned counsel for the petitioner submits that although he was paying Rs. 7,000/- pursuant to the order passed by the Family Court, Siwan, he on his own would like to enhance it by Rs. 3,000/- i.e. he will be paying Rs.10,000/-

Learned counsel for the informant submits that as the



suit is pending, she will be contesting the same. However, in view of the fact that submission put forward by him that he has gone into second marriage without dissolution of the marriage with her, she reserve her right to take steps available to her under the law of the land to take steps as the petitioner has tied nuptial knots for the second time during the life time of his first wife.

Learned counsel for the informant further submits that contrary to the statement that has been made by the petitioner that he is paying Rs. 7,000/- diligently, to his knowledge there are some dues which has not been paid by him.

Taking into account the aforesaid facts as also that a suit for dissolution for marriage is pending before the Family Court, Siwan, the petitioner is ready to give financial assistance of Rs. 10,000/- per month to the lady, the informant will have all the right available under the law to take steps on the allegation that has been come that he has performed second marriage, this Court is inclined to extend him privilege of anticipatory bail.

The petitioner is further directed to clear all the dues that has accumulated pursuant to the order of the learned Family Court, Siwan before executing bail bond.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in connection with Basantpur P.S. Case No. 397 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall co-operate in the investigation



and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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