

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49043 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- MAHILA P.S. District- Rohtas

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Mukul Anand S/O Anant Lal Gupta Resident Of Ramsarowar Dumduma
Cement Factory Chunar, P.S.- Chunar, District- Mirzapur (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari D/O Awadh Bihari Prasad, W/O Mukul Anand R/O Village-
Nokha, P.O.- Nokha, P.S.- Nokha, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-03-2023 Heard Mr. Ramashray Roy, learned counsel

appearing on behalf of the petitioner and Mr. Mritunjay Kumar

Nirala, learned APP appearing on behalf of State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 93 of 2021 registered under Section
341, 323, 379, 354, 498A, 504 and 34 of the Indian Penal Code
and Section 3/4 of the D.P. Act.

3. The petitioner is Senior Assistant Loco Pilot in
Railway, Chheoki Station, Prayagraj and the informant-Opposite
Party No. 2 is Clerk posted at Civil Court, Ara. This peculiar



state has lead to strained relationship between the couple.

4. Learned appearing on behalf of the informant- Opposite Party No. 2 submitted that the informant- Opposite Party No. 2 is not able to take care of her in-laws as they are residing in Mirzapur, Uttar Pradesh and she is residing in Ara where she is employed in Civil Court, Ara. It is further submitted on behalf of Opposite Party No. 2 that Opposite Party No. 2 is ready to live along with the petitioner subject to the condition that due to paucity of time from her service she is unable to attend Allahabad to care her in-laws. The petitioner should not compel her or force her to resign from her service.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioners parents are very old, father is aged about 75 years old and his mother is 70 years old and he has one unmarried sister, namely, Varsha Gupta who is suffering from heart disease. Learned counsel further submitted that petitioner is posted in Allahabad and he only expect from the informant- Opposite Party No. 2 to co-operate in taking care of his old father and mother as and when she finds time. He is ready to live a happy married life with the Opposite Party No. 2.

6. The parties seem to be ready to live together it would be in the interest of justice to release the petitioner on



provisional bail subject to the condition that he will not force the Opposite Party No. 2 either to resign from job for attending his ailing father.

7. Court below is directed to release the petitioner on provisional bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned I/C J.M.-I, Sasaram, Rohtas in connection with Mahila P.S. Case No. 93 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and further on the following conditions:-

(i) The petitioner will keep Opposite Party No. 2 with full dignity and honour and he will not force her to resign from her job.

(ii) The petitioner should not indulge in any illegal act or threaten the Opposite Party No. 2 for fulfillment of any demand which is not acceptable for healthy matrimonial relationship.

(iii) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in



paragraph No.3 of the bail application, this order will
automatically loose its force.

(Purnendu Singh, J)

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