

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49287 of 2022

Arising Out of PS. Case No.-101 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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RAJESHWAR KUMAR RAJAN @ RAJESHWAR RAJAN SON OF SRI
UMESH KUMAR SINGH R/O MOHALLA- CHITRAGUPTA NAGAR,
CLUB ROAD, P.S.- AURANGABAD SADAR, DISTRICT-
AURANGABAD, PRESENT ADDRESS VILLAGE AND POST- SISAI,
P.S.- GORIYA KOTHI, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Roona,Advocate
For the Opposite Party/s	:	Mr.Prem Kumar Jha,APP
For the Informant	:	Mr. Rohit Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-02-2023 Heard Ms. Roona, learned counsel for the petitioner,

Mr. Rohit Mishra, learned counsel for the informant and learned

APP for the State.

The petitioner apprehends his arrest in connection
with Aurangabad Town P.S. Case No. 101 of 2019 for the
offence registered under Sections 341, 342, 323, 379, 498A and
506 of the Indian Penal Code and Sections 3 and 4 of Dowry
Prohibition Act.

As per the prosecution story, the lady who is married
to the petitioner claimed that she was being tortured for dowry
and along with the amount, a car was demanded. In the month
of July, when the father of the informant went to her in-laws



house, the said demand was once again made and as the same could not be fulfilled, they tried to drive her out. The further allegation is that she tried her level best to meet the petitioner and even went to Delhi but could not meet him. Accordingly, the FIR was lodged.

Learned counsel for the petitioner has taken this Court to different pages of the petition to show how the lady has abused the petitioner and his family members (Annexure 3).

It is her further contention that Matrimonial Case No. 24 of 2022 is already pending before the Family Court, Aurangabad in which an order was passed on 03.09.2022. The concluding part read as follows:

“In the aforementioned circumstances, it is therefore order that the petition dated 16.07.2022 moved U/s-24 of the Hindu Marriage Act, 1955 by the petitioner/respondent Swati Kumari (wife) is allowed and accordingly Opposite Party/plaintiff Rajeshwar Kumar Rajan (husband) is directed to pay Rs. 8,000/-(Rs. Eight thousand) interim maintenance pendente lite allowance and Rs. 2,000/-(Rs. Two thousand) expenses of the proceedings, in total Rs. 10,000/-(Rs. Ten thousand), per month. This amount of Rs. 10,000/-(Rs. Ten thousand) per month be paid to the petitioner/respondent Swati Kumari (wife) by Opposite Party/plaintiff Rajeshwar Kumar Rajan (husband) by 10th day of each and every succeeding month from the date of



filing of the interim maintenance petition i.e. from 16.07.2022.”

Learned counsel for the informant, on the other hand, submits that a bare perusal of the FIR would show how the lady has been tortured for want of a car. The further submission is that so far as Annexure 3 of the petition regarding abusing petitioner and/or his family members is/are concerned, the same was done by the informant's brother by misusing her phone. His last submission is that the lady wants to live with the petitioner.

Learned counsel for the informant further draws the attention of this Court to a petition made by the informant to the Patna High Court making allegations

Be that as it may, since a Matrimonial Case has already been filed and the same is pending before the Family Court, Aurangabad, it would be appropriate for both the parties to appear before the concerned Court, if both of them are serious about continuance of their marital life.

So far as the grant of anticipatory bail is concerned, this Court is convinced that the petitioner deserves relief and in that background the anticipatory bail petition stands withdrawn.

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 CJM, Aurangabad in connection with Aurangabad Town P.S. Case No. 101 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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