

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50258 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- CIVIL LINE District- Gaya

AMIT KUMAR S/o Raj Kishore Prasad R/o village- Badi Din, Malikana
Masaudhi, P.S.- Masaudhi, District- Patna (Bihar) Petitioner/s
Versus

1. The State of Bihar
2. Nutam Kumari W/o Amit Kumar, D/o Shravan Prasad R/o village- Badi
Devi Malikana, P.S.- Masaudhi, District- Patna, At present Mohalla- Digdhi
Talab, P.S.- Civil Lince, Gaya, District- Gaya
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner, the State as
also the informant.

The petitioner is apprehending arrest in connection
with Civil Line P.S. Case No. 171 of 2022 instituted under
section 498(A)/34 of the Indian Penal Code.

The informant has alleged in the FIR that she is a
Constable in the Excise Department and married to the
petitioner since 2019. Since it was love marriage, whenever, she
visited her matrimonial home, her ATM card was taken away
and money was withdrawn. When she took maternity leave, she
was tortured in her in-laws house by the petitioner's family
members and further the allegation is that he has taken away her
two years child.

Learned counsel for the petitioner submits that this
being a love marriage, he is always in love with his wife but



some how or the other, she is always aggrieved and in that background the relationship between them has soured.

Learned counsel further submits that although the child is with him and being father, he is taking care, if the informant so wants he is ready to hand it over to her subject to his meeting rights.

Learned counsel for the informant although has so much of grievances however readily agrees that if the child is handed over to her, she will be taking utmost care of him and further the petitioner being his father, he will always be welcomed to home and/or the place where the informant resides, whenever he would like to meet his child.

Both the parties have further submitted that let the child be brought to the Court for handing it over to the informant.

Taking into account the fair submissions put forward by both the parties, let the matter come up on 19.1.2023.

Till then, no coercive steps shall be taken against the petitioner in the aforesaid case.

(Rajiv Roy, J)

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