

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17427 of 2024

Arising Out of PS. Case No.-1658 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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RAKESH KUMAR @ RAKESH KUMAR MALAKAR S/o Ram Swarath
Bhagat @ Ram Swarath Malakar Resident of Village-Mushhari Thakurvaadi,
Baraipura, P.S.-Birpur, Dist-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANITA DEVI D/o Late Devnarayan Malakar Residing at-Village-Dhoom
Nagar, Police Station-Motipur, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-08-2024 1. Heard learned counsel for the petitioner as well as

learned APP for the State. No one appears on behalf of the O.P.

No.2.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 498A of the IPC in connection with Complaint Case

No.1658-C of 2023.

3. The learned counsel for the petitioner submits that

petitioner has been falsely implicated in the instant case by the

O.P. No.2 alleging that petitioner is her husband. It is submitted

that the petitioner vehemently denies the said allegation. It is

next submitted placing reliance on Annexure-2 to the

anticipatory bail application that O.P. No.2 was married to Ram



Kumar Malakar against whom she had instituted Cr. Case Complaint (P)/4573 of 2013 in which Ram Kumar Malakar and others were acquitted. It is next submitted that O.P. No.2 was not able to prove her case in trial that Ram Kumar Malakar is her husband. It is further submitted that the O.P. No.2 had earlier instituted Complaint Case No.1106 of 2017 against the petitioner in the court of learned Judicial Magistrate, Ist Class, Begusarai, wherein cognizance was taken under Section 323, 341, 379 and 504 of the IPC against the petitioner and thereafter the instant case has been instituted.

4. The learned counsel at the cost of repetition submits that petitioner was never married to the O.P. No.2 and he will get an opportunity to rebut the allegation in the trial.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Begusarai in connection



with Complaint Case No.1658-C of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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