

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19475 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA THANA District- Begusarai

Rakesh Kumar Son Of Amardeo Pandit Vill-Hridayganj, P.S.- Mirchaibari
Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preeta Kumari Wife Of Rakesh Kumar Resident Of Village- Pokhariya,
Ward No. 37, Ps- Begusarai Town, Distt- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 31-07-2024 Despite valid service of notice, no one appears on
behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. The petitioner apprehends his arrest in connection with
Begusarai (Mahila) P.S. Case No. 25 of 2023 registered under
Sections 498A, 494 and 506/34 of the Indian Penal Code.

4. The prosecution case, in short, is that, the marriage of
informant solemnized with this petitioner on 02.07.2006
according to Hindu Customs and Rites. Thereafter informant got
appointed as Block teacher and, in the meantime, the informant
became pregnant and gave birth to a female child. It is further



alleged that petitioner assaulted and pressurized informant to resign from service. It is further alleged that the informant, after resigning, started living with petitioner in Daman, but behavior of petitioner was not good. Thereafter, the informant along with her daughter, on 14.04.2015, returned from Daman to Katihar.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner happens to be husband of the informant and denies the prosecution case. Petitioner has neither demanded any dowry nor committed any cruelty with informant. It is further submitted that informant earlier filed a Complaint Case No. 2885 of 2015, which was dismissed by learned S.D.J.M., Begusarai, on 16.06.2016. Thereafter informant also filed Domestic Violence Case No. 1P of 2020 before the Court of learned Chief Judicial Magistrate, Begusarai which is pending. It is next submitted that petitioner is ready to keep the informant/opposite party no. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***, reported in **2006(3) PLJR 182**.

6. Learned A.P.P. for the State has opposed the prayer for



anticipatory bail of petitioner.

7. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Begusarai/Court Concerned, Begusarai in connection with Begusarai (Mahila) P.S. Case No. 25 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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