

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28414 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- MALSALAMI District- Patna

Jayant Kumar Gaurav Son of Munmun Prasad @ Munna Prasad R/o Chhoti Nagla, Near Bandhan Bank, P./s.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sima Gupta @ Sima Kumari Wife of Jayant Kumar Gaurav, Daughter of Late Radha Prasad Resident of Chhoti Nagla, Adarsh Colony, P.S.- Malsalami, Dist.- Patna at present Purani Bazar, Near Bihiya Railway Station besides of Bharat Mata Mandir, P.S.- Bihiya, Dist.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.
For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Malsalami P.S. Case No. 79 of 2023 dated 04.02.2023 registered for the offences punishable u/ss 341, 323, 379, 504, 506 and 498A of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have entered the house of the informant and assaulted her and her son. On hulla, nearby people came there then the petitioner took Rs. 12,000/-, earrings and nose pin from the informant and fled away and further threatened the informant if she went



anywhere then she and her son would be killed. It is further submitted that the petitioner is the husband of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the informant contracted second marriage with the petitioner. Learned counsel has further submitted that the petitioner and the informant met each other in the year 2020 and got married on 22.08.2021 and started to live together in the matrimonial home but the father of the petitioner started protesting due to which the informant left away from that house without giving knowledge to her husband just after four days of marriage. Thereafter, the petitioner came to know that the informant is living with one Raja @ Hafiz Karim in Patna City. The petitioner requested her to live with him and made an agreement on 28.11.2021 for this purpose but all goes in vain and she did not return. It is further submitted that the informant came back to the petitioner in the month of December, 2022 and lived together for one and a half month and lastly she lodged the present case against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.



5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City in connection with Malsalami P.S. Case No. 79 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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