

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40182 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- JAGDISHPUR District- Bhojpur

RAJESH YADAV @ RAJESH SINGH SON OF AMIR CHAND @ AMIRA
YADAV RESIDENT OF VILLAGE - DEVTOLA, P.S. - JAGDISHPUR,
DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. GITA DEVI WIFE OF RAJESH YADAV @ RAJESH SINGH RESIDENT
OF VILLAGE - DEVTOLA, P.S. - JAGDISHPUR, DISTRICT - BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Today, also no one appears on behalf of the
opposite party no. 2.

3. The petitioner apprehends his arrest in connection
with Jagdishpur P.S. Case No. 455 of 2023 for the offence
registered under Sections 498(A) and 494 of the Indian Penal
Code.

4. Learned APP for the State, at the outset, submits
that in compliance of the order dated 22.07.2024, the Station
House Officer, Buxar inquired into the matter that as to whether
the petitioner has performed second marriage with Kiran
Kumari or not ? It is further submitted that the report does not



disclose that the petitioner has performed his second marriage with Kiran Kumari.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner being a husband has falsely been implicated in the instant case by the informant with an allegation that the petitioner performed his second marriage and ousted the Opposite Party No. 2 from her matrimonial home along with three children and she presently staying in her parental home.

6. Learned counsel for the petitioner further submits that the petitioner is still willing to keep the Opposite Party No. 2 and the children with full dignity and owner. It is also submitted that the petitioner is also paying the school fee of the children. It is next submitted, based on instruction, that the petitioner is willing to pay a monthly maintenance of Rs. 5,000/- to the opposite party no. 2 in order to establish his *bona fide* that he is genuinely interested in reviving the conjugal relationship. It is further submitted that the opposite party no. 2 would always be welcomed in her matrimonial home along with her three children whenever she wants and the petitioner will never object to her staying with him.

7. The learned APP for the State also fairly submits



that no useful purpose would be served by sending the petitioner to jail when the petitioner is willing to pay a monthly maintenance of Rs. 5,000/- to the opposite party no. 2.

8. Considering the aforesaid submissions, 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 A.C.J.M., 1st Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 455 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

9. However, learned counsel for the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory granted to the petitioner, in the event if the petitioner does not deposit the amount of maintenance, as agreed, for two consecutive months.

10. The learned Trial Court is requested to hand over a photo copy of the order to the learned counsel appearing on behalf of the opposite party no. 2 before the learned Trial Court.

Jagdish/-

(Satyavrat Verma, J)

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