

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41574 of 2023**

Arising Out of PS. Case No.-431 Year-2020 Thana- JEHANABAD COMPLAINT CASE  
District- Jehanabad

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RAHUL KUMAR @ MUNNA SINGH son of Girish Mahto village- Rajgir  
Panditpur Ps- Rajgir Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumar wife of Rahul Kumar, D/o- Shailendra Kumar Village- Birra  
Ps- makhdumpur OP Bishunganj Dist- Jehanabad

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Paras Nath  
For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      27-02-2024              1. Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State along with learned counsel for OP  
  
No. 2.

2. The petitioner apprehends his arrest in connection  
with Complaint Case No. 431/2020 registered for the offences  
punishable under Section 498A and 323 of the Indian Penal  
Code.

3. The learned counsel for the OP No. 2, at the outset,  
submits that the case was referred for mediation, but then the  
mediation failed. It is further submitted that OP No. 2, since  
2017, is staying at her parental home without any support and  
the petitioner initially was ready for mediation and accordingly  
the case was sent for mediation, but then it appears that the  
petitioner was only interested in obtaining stay against his



arrest.

4. The learned counsel for the petitioner submits that the petitioner is not in a position to maintain the OP No. 2, as he is an unemployed youth and is a poor person.

5. The learned counsel appearing on behalf of the OP No. 2 rebuts the submission of the learned counsel for the petitioner and submits that the petitioner earns through tuition and coaching and also has landed property.

6. Be that as it may, since it has been submitted on behalf of the petitioner that petitioner is not in a position to maintain the OP No. 2 that amply demonstrates that the petitioner is not interested in restituting his conjugal rights and only for the purposes of seeking stay, he had agreed for mediation, as during the course of mediation proceeding, interim protection was granted to the petitioner.

7. In view of the submission made by the learned counsel appearing on behalf of the OP No. 2, the court is not inclined to entertain the anticipatory bail application and the same is rejected.

**(Satyavrat Verma, J)**

SUMIT/-

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