

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46281 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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Rakesh Rai @ Rakesh Kumar Rai S/O Surendra Rai R/O Village- Badhochak,
Dihi, P.S- Maker, Distt.- Chapra.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Sunita Devi W/O Rakesh Rai, D/O Lal Babu Rai R/O Village- Fatehpur, P.S- Parsa, Distt.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No.288/2023, Tr. No.3202/2024 registered
for the offences punishable under sections 323, 498A of the
Indian Penal Code & Sections 3/4 D.P. Act.

3. The learned counsel appearing on behalf of the O.P.
No.2 submits that the case was taken up on 05.09.2024, when a
specific statement was made on behalf of the petitioner that the
petitioner is willing to keep the O.P. No.2 with honour and
dignity and he will go to the parental home of the O.P. No.2 on



12.09.2024 to bring her back to her matrimonial home. It is also submitted that petitioner also had apprehension that if the petitioner goes to the house of O.P. No.2, she may not accompany, on which, it was submitted on behalf of the learned counsel appearing on behalf of the petitioner that petitioner will make a video of his going to the house of O.P. No.2. It is submitted that despite giving assurance to this court, the petitioner never came to the house of the O.P. No.2 for fetching her back to her matrimonial home, when she was waiting willingly to go back to her matrimonial home with the petitioner. It is also submitted that it appears that petitioner gave a false instruction to the learned counsel appearing on behalf of the petitioner to submit that he is willing to keep the O.P. No.2 with honour and dignity.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner had gone to the house of O.P. No.2 but then she did not accompany him and in support of the same, it is submitted that a video was also made but when the video was played in the court room, the learned counsel appearing on behalf of the O.P. No.2 submitted that neither any family members of the O.P. No.2 is in the video nor the O.P. No.2 is in the video nor the house of the O.P. No.2 is in the



video, on which, the learned counsel appearing on behalf of the petitioner submitted that from perusal of the video, it appears that someone was objecting the petitioner that he will not allow the O.P. No.2 to accompany him. On query of the court that who was that person, on which, it was submitted that he was the father of the O.P. No.2, on which, the learned counsel appearing on behalf of the O.P. No.2 submitted that the father of O.P. No.2 has died.

5. Considering the submission made by the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. Accordingly, the anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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