

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57660 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- MINAPUR District- Muzaffarpur

Rakesh Kumar Son Of Ram Prasad Resident Of Village - Raghopur, P.S. -
Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Renu Devi Wife Of Rakesh Kumar, Daughter Of Siya Ram Singh Resident
Of Village - Kadma, P.S. - Rajepur, District - East Champaran Permanent
R/O Village- Raghopur, P.S- Minapur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 17-12-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Minapur P.S. Case No. 209 of 2023 dated 24.05.2023, instituted
for the offence punishable under Sections 341, 323, 504, 506,
498A/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he
demanded one Bullet motorcycle and on its non-fulfillment, the
informant was subjected to cruelty and assault and she was
kicked out from her matrimonial home retaining her belongings.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is submitted that the petitioner is the husband of the informant and he is ready to keep his wife with full dignity and honour. It is submitted that the marriage of the petitioner with informant was solemnized 16 years ago and two children are born out of their wedlock. It is further submitted that no attempt was made for restitution of conjugal rights. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned counsel for the informant appeared through her counsel and submits that she is also ready to live with her husband (petitioner).

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Minapur P.S. Case No. 209 of 2023, he shall be released on provisional anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-Ist Class, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

8. At the time of furnishing bail bond on 16.01.2025,



the informant is also directed to be present in court below.
Further, the petitioner is directed to take his wife with him on the same date i.e. 16.01.2025 from the court itself, failing which the bail bond furnished by him shall be cancelled.

9. The court below is directed to monitor the relationship of the petitioner with his wife by calling them physically in court every month for the next six months and if there is no complaint against the petitioner (husband) of the informant after completion of six months, the provisional bail of the petitioner shall be confirmed.

10. It is expected that the informant will also co-operate with the petitioner while living in the matrimonial home peacefully.

(Khatim Reza, J)

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