

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63537 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MAHILA P.S. District- Samastipur

CHHOTU KUMAR SON OF RAMCHANDRA MAHTO VILLAGE
CHANDO PATTI RUDOU LI, PS- SAMASTIPUR MUFFASIL, DIST-
SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. RINKI KUMARI W/O CHHOTU KUMAR, D/O SUSHIL SINGH
VILAGE- DIGHA FATHEHPUR, PS- BALIGAO, DISTT- SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.
Mr. Dilip Kumar Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 376, 420, 120B, 323, 504, 506, 34 of the Indian Penal Code.

3. As per the FIR, the petitioner established physical relation with the informant on pretext of marriage and later on also solemnized marriage, but due to pressure of his family members, he left the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and he has committed no offence. All the allegations levelled against the petitioners



are false and based on concocted facts. He has neither performed his marriage with the informant nor established physical relation with her. The real fact is that the informant has already married with one Sushil Kumar. It is further submitted that the petitioner is working in Indian Army and on the eve of Chatth Pooja, when he came to his native place, he was kidnapped by the informant's family and was forced to get married with the informant. The petitioner has also filed a case of divorce for declaring the marriage null and void. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

5. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mahila P.S. Case No. 89 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs. 5,000.00 (Rupees Five Thousand) per month to the informant in the second week of



every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. Learned counsel for the informant is directed to furnish the bank account details of the informant. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details.

9. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

10. With the aforesaid observation and direction, this application stands allowed.

(Anjani Kumar Sharan, J)

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