

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66249 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- MAHILA P.S. District- Saran

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DILIP RAI Son of Late Dasrath Rai Resident of- Municipal Chowk, P.S.-
Chapra Town, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Babita Devi D/O Birja Prasad Resident of- Municipal Chowk, P.S.- Chapra
Town, District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar
For the State	:	Mrs. Meena Singh
For the O.P. No.2	:	Mr. Pranjal Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State and learned counsel for the opposite

party no. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 341, 323,

498A and 376 of the Indian Penal Code.

3. As per the prosecution case, the O.P. No.2 was

married to the petitioner 12 years ago. The petitioner abandoned

her six months after marriage and left his home and O.P. No.2

continued to live at her matrimonial house. Thereafter, brother-

in-law of the O.P. No.2, namely, Tunnu Rai committed rape

upon her on the pretext of marrying her and in the meantime she



became pregnant. The petitioner and her mother averted marriage of the O.P. No. 2 and her brother-in-law. Thereafter, the petitioner along with other co-accused persons assaulted and ousted the O.P. No.2 from her matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. He further submits that the petitioner undertakes that he has no objection if the O.P. No. 2 lives in her matrimonial house. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the O.P. No. 2 opposed the prayer for anticipatory bail and submitted that the O.P. No. 2 was living happily in her matrimonial house, but when the petitioner returned after 12 years, she had been ousted from her matrimonial house.

6. Considering the facts and circumstances of the case, 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. 53 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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