

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79787 of 2024

Arising Out of PS. Case No.-2305 Year-2020 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Mintu Kumar S/o Kishor Chaurasiya Resident of Village- Mustafapur, P.S- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari W/o Mintu Kumar, D/o Umakant Bhagat R/o Village- Mustafapur, P.S- Bidupur, Distt.- Vaishali, Present Address- D/o Umakant Bhagat, Village- Kutubpur (Tola Par), P.S- Bidupur, Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate.
For the Opposite Party/s : Mr.Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Shashank Shekhar, learned counsel

appearing on behalf of the petitioner and Mr. Akbar Ali, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2305 of 2020 registered for the
offence punishable under Sections 494 and 498A of the Indian
Penal Code.

3. The present case relates to matrimonial dispute
between the petitioner and the opposite party no.2, who are
husband and wife respectively.

4. Learned counsel appearing on behalf of the
petitioner referring Para-9 of the bail application submitted that



the opposite party no.2 who is wife of the petitioner had filed a Divorce Petition in the year 2018 before the learned court of Principal Judge, 1st Class, Delhi vide HMA No. 1490/2018, however, the said petition was dismissed for default on 09.07.2019. The opposite party no.2 has also filed a Maintenance Petition under Section 125 of the Cr.P.C. being Maintenance Petition No. 26/2021, which is pending before the court of learned Principal Judge, Family Court, Vaishali at Hajipur. Learned counsel further informs that he has informed by the pairvikar that opposite party no.2 has now performed marriage with some other person and she has willingly left the matrimonial house.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation and the act of the parties, I find that the petitioner who is the husband of the opposite party no.2 has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of learned ACJM-XIII cum Sub Judge-XIV, Vaishali at Hajipur in connection with Complaint Case No. 2305 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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