

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76994 of 2023

Arising Out of PS. Case No.-97 Year-2018 Thana- MAHILA P.S. District- Patna

PANKAJ KUMAR S/O RAJ KUMAR SAH R/O NAYA BAZAR SAHARSA,
DISTT.- SAHARSA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR AND ANR BIHAR
2. PUJA KUMARI D/O RAJESHWAR SAH R/O BAKRI MANDI,
PANCHWATI NAGAR, P.S- BAHADURPUR, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Mahila P.S. Case No. 97 of 2018 dated 29.07.2018 registered for the offences punishable u/s 498A of the Indian Penal Code.

3. As per the prosecution case, on 19.02.2018 at the behest and the pressure of the Mahila Thana, Gandhi Maidan, Patna, the marriage was solemnized between the petitioner and the informant. After few days of marriage, the petitioner started assaulting the informant and refused to keep her. It is further alleged that the petitioner assaulted the informant with an iron



rod causing broken hand injury.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner was never married to the informant and has no contact with the informant, the offence under Section 498A of the Indian Penal Code is not made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No. (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner who is the husband of the informant.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Mahila Thana P.S. Case No. 97 of 2018, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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