

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17836 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- Kurth District- Arwal

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Sujeet Kumar Son of Jageshwar Chaudhary Resident of Village - Kodmarai,
P.S. - Kurtha, District - Arwal

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Usha Kumari Wife of Sujeet Kumar Resident of Village - Kodmarai, P.S. -
Kurtha, District - Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Kumar Singh, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the O.P. No.2	:	Mr. Anil Kumar, Advocate
		Mr. Akash Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-04-2025 Heard Ld. counsel for the petitioner, Ld. APP for the

State and learned counsel for the informant.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Kurtha P.S. Case No. 123 of 2024, dated
24.04.2024 registered for the offences punishable under
Sections 341, 323, 427 and 498(A)/34 of the Indian Penal Code.

3. As per allegation, the petitioner-husband is not

willing to keep his wife-informant and the minor daughter born
out of the wedlock and hence, the informant-wife has been
ousted from the matrimonial home along with her minor
daughter. Even maintenance is not being paid by the husband-



petitioner to them.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is willing to keep his wife, but the informant-wife is not willing to live with him.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, Ld. APP for the State and learned counsel for the O.P. No. 2 vehemently oppose the prayer of the Petitioner for bail submitting that without any reason, the petitioner is not keeping the informant-wife in his matrimonial home, nor is he being paid any maintenance to her and the minor child living with her.

8. Considering the rival submission of the parties, it appears that there is matrimonial dispute between the parties and the informant-wife has remedy to file matrimonial petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights as well as to file a petition under Section 125 Cr.PC for maintenance.



9. Accordingly, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Kurtha P.S. Case No. 123 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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