

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38618 of 2025

Arising Out of PS. Case No.-466 Year-2024 Thana- BAHADURPUR District- Patna

Rakesh Kumar, Son of Raj Kumar Rajak, Resident of village- Panchwati
Nagar, Bazar Samiti, P.S.- Bahadurpur, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari, Daughter of Sanjay Rajak, r/o village- Railway Station,
Rajgir, P.S.- Rajgir, Distt. Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate.
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bahadurpur P.S. Case No. 466 of 2024 dated 20.11.2024, registered for the offences punishable under Section 85 of B.N.S. and Sections 3/4 of Dowry Prohibition Act.

3. As per allegation, the informant is married with the petitioner according to Hindu rites and customs on 14.5.2022 and from the day one, the marital life between the informant and the petitioner is running into rough weather on account of alleged illicit relationship of the petitioner with his maternal sister. As per further allegation, on 19.11.2024 when the



informant/wife went to her matrimonial home, she was not allowed to enter into the matrimonial house and was misbehaved.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that this false case has been lodged only on account of suspicion that the petitioner is living in illicit relationship with his own maternal sister. There is no allegation of any violence. He also submits that as a matter of fact, the petitioner has treated his wife/informant with full love and dignity and there is no truth in the allegation made by the informant against him. The petitioner is also willing to keep his wife with love and dignity. He also submits that maximum punishment prescribed for the alleged offence is three years.

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 petition that the petitioner has been made accused in another case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.



8. In view of the aforesaid facts, it appears that matrimonial life of the petitioner with the informant/wife is running into rough weather on account of suspicion of the wife that petitioner/husband is living in illicit relationship. As per allegation, it also transpires that the petitioner is not taking his wife to her matrimonial home. In such situation, the petitioner has remedy for filing a matrimonial petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. In totality of the alleged facts and circumstances, it would be better for the petitioner to approach Family Court to resolve the family dispute and seek suitable matrimonial relief.

8. Considering the aforesaid facts and circumstances, **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 Bahadurpur P.S. Case No. 466 of 2024 subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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