

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43474 of 2024

Arising Out of PS. Case No.-800 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Vikash Kumar S/o Chando Mahto R/o Village Katari Hill Baljori Bigha, PS
Chandauti Dist Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari D/o Rameshwar Prasad, W/o Vikash Kumar R/o vill - Katari Hill Baljori Bigha, P.S. - Chandauti, Distt. - Gaya, at present R/o vill - Sagarpur, P.S. - Mohanpur, Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 29-01-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.
2. No one appears on behalf of the OP No. 2.
3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 504, 498A, 494A and 34 of the Indian Penal Code.
4. Learned counsel for the petitioner submits that the case was taken up Yesterday also, but no one had appeared on behalf of the OP No. 2, as such the case was passed over.
5. Learned counsel for the petitioner next submits that petitioner, being husband, has been falsely implicated in the instant case by the OP No. 2. It is further submitted that OP No.



2 alleges that she was married with the petitioner on 2-7-2014 and after marriage, she stayed in her matrimonial home peacefully for some time, thereafter it is alleged that demand of Rs. 1 lakh and a four wheeler was made and on account of non-fulfillment of the demand, the OP No. 2 was assaulted by the petitioner and other family members, further the family members of the OP No. 2 tried to pacify the matter, but the accused persons including the petitioner were not ready to compromise and ultimately she was ousted from her matrimonial home and her husband performed second marriage with one Siwani Kumari and has also filed divorce case being MTS Case No. 424 of 2018, which is pending adjudication in the court of learned Principal Judge, Family Court, Gaya.

6. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that after marriage, the OP No. 2 came to her matrimonial home and she fell in love with the cousin brother of the petitioner and they fled but later she came back and thereafter she gave in writing (Annexure-2) that she had fled with the cousin brother of the petitioner and she does not want to continue the relationship with the petitioner. It is submitted that OP No. 2 still is staying with the cousin brother of the



petitioner and this perhaps explains why no one is appearing on behalf of the OP No. 2.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 800 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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