

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47933 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- MAHILA PS District- Jehanabad

Ajeet Kumar @ Chuha @ Ajit Kumar @ Chuha Son of Late Ajay Kumar
Yadav @ Ajay Kumar R/O Vill.- Jamaluddinchak, P.S.- Khagaul, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rani Kumari @ Priyanka Daughter of Heera Lal Singh R/O Vill.- Arwal,
P.S.- Arwal, Dist.- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-04-2025 It appears from the office notes that O.P. No. 2 has refused to take notice. In view of the aforesaid, the notice is deemed to be validly served upon O.P. No. 2.

2. Heard Mr. Ravi Prakash, learned counsel for the petitioner as well as Mr. Shyam Bihari Singh, learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Arwal Mahila P.S. Case No. 22 of 2022, FIR dated 20.09.2022 for the offences punishable under Sections 341, 323, 504, 506, 498(A), 34 of the IPC and 3/4 of the D.P. Act but learned court below has taken cognizance under Sections 341, 323, 504, 506, 498(A) of the IPC.



4. According to prosecution case, marriage of the petitioner was solemnized on 30.06.2019. After marriage, informant discovered that petitioner (husband of the informant) has got illicit relation with his cousin sister-in-law. On protest, her husband assaulted her and demanded golden chain. It is further alleged that he along with other co-accused persons assaulted her and ousted her from her matrimonial home and co-accused Sheela Devi tried to abduct her girl child.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. From the perusal of the FIR, it appears that the allegation against the petitioner is that he has assaulted the informant but there is no injury report which suggest that the informant has received any injury. In fact, the mother of the petitioner has already filed a complaint petition against the informant bearing Complaint Case No. 797 of 2022 on 02.07.2022 under Sections 341, 323, 504, 452, 380, 427, 506, 34 of the IPC. It appears that date of the filing the complaint petition by the mother of the petitioner is prior to that of filing of the present case. And apart



from that the petitioner had also filed a divorce case bearing M.M. Case No. 756 of 2024 and the said case is pending before the learned Principal Judge, Family Court, Patna.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and he has been made accused only on the ground that he is husband of the informant and apart from that prior to the filing of the FIR, the mother of the petitioner had filed a complaint case bearing Complaint Case No. 797 of 2022 and despite valid service of notice, no one appears on behalf of the O.P. No. 2 to oppose the prayer of the bail of the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Arwal in connection with Arwal Mahila P.S. Case No. 22 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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