

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58679 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MAHARAJGANJ District- Siwan

Rajesh Rai @ Rajesh Kumar Son of Amarjeet Rai Resident of Village -
Takkipur, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Daughter of Lalbabu Rai Resident of Village - Kachnar, P.S. -
Siswan, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

6 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Maharjganj P.S. Case No. 66 of 2024 for the offence under Sections 323, 341, 498A, 379, 504, 506 and 34 of the I.P.C.

3. As per the prosecution story, the informant has alleged that on 07.03.2024, when she reached at the door of her matrimonial home, her husband along with other accused persons started assaulting her by means of *lathi* and *danda* when her mother came for rescue, then the petitioner assaulted her by means of *lathi* due to which she sustained injury on her forehead. It is further alleged that one co-accused namely,



Amarjeet Rai dragged her mother on the road and tried to press her neck. It is also alleged that one Govinda Rai snatched gold Mangalsutra worth Rs. 45,000/- and Rs. 10,000/- (cash) from her possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to high handedness of the police. The petitioner has never demanded any type of dowry and in this regard no any informatory petition has been filed before any legal authority by the informant or her relatives. The informant had also filed a complaint case no. 484 of 2017 under Sections 341, 323, 307, 406, 399, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act against the petitioner and his family member which is pending before the learned S.D.J.M. Siwan. There is allegation of assault but no injury was found there on, which falsifies the whole prosecution story. The whole prosecution story is itself false because informant has already residing separately since 2016. Learned counsel further submits that the petitioner is ready to keep his wife with full honour and dignity. He also submits that petitioner is ready to give Rs. 3,000/- for maintenance of their minor children and wife.

5. Learned APP opposes the prayer for bail.



6. As per his own submission, petitioner is directed to pay Rs. 3,000/- per month to his wife as maintenance. At the time of furnishing the bail bond he is ready to deposit the maintenance amount of two months in advance. The aforesaid amount will be adjusted in future with reference to any maintenance or one time settlement between the parties. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Siwan, in connection with Maharjganj P.S. Case No. 66 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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