

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72763 of 2024

Arising Out of PS. Case No.-440 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Ritesh Kumar S/o- Lt Sri Bhagwan Singh Village- Baluahi, P.S.- Dhangai,
District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kunwar W/o- Late Mithilesh Kumar Village- Baluahi Ps- Dhangai
Dist- Bhojpur, P/A- Hetampur Ps- Tiyar Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Adv.
For the Opposite Party/s :	Ms. Sangeeta Sharma, APP
For the Complainant/Informant :	Ms. Malti Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 21-02-2025 Heard learned counsel for the petitioner, learned

counsel for the complainant/Informant as well as learned A.P.P.

for the State.

2. Earlier the notice was issued upon opposite no. 2

and the Office reported that opposite party no. 2 has refused to

take the notice as per the report of the process server.

3. The petitioner apprehends arrest in connection with

Complaint Case No. 440 C of 2022 dated 01.04.2022, instituted

for the offence punishable under Sections 341, 323, 354(B), 498

A, 504, 506/34 of the Indian Penal Code.

4. The prosecution case, in short, is that the marriage

of the complainant was solemnized with Mithlesh Kumar on



12.03.2006 but he died on 28.06.2006. Thereafter, the complainant was married to Ritesh Kumar (petitioner). The complainant has alleged that the petitioner after marriage used to establish physical relationship without her consent. Further, it is alleged that the petitioner along with other co-accused persons tried to grab the share of the previous husband of the complainant by hatching conspiracy.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is alleged to be the husband of the complainant. It is submitted that the entire allegation levelled against the petitioner and his other family members, who is uncle and other relatives of the petitioner is totally false and concocted. It is submitted that father of the petitioner has filed a complaint case bearing Complaint Case No. 181C of 2020 against the complainant/informant. It is also submitted there is case and counter case between the parties. Counter Case bearing Complaint Case No. 2409C of 2013 has been filed the complainant. It is submitted that the sole intention of the complainant is to pressurize the petitioner and his other family members to release the property in favour of the complainant. It is submitted that the petitioner has also filed



Complaint Case No. 16 of 2022 and the said complaint petition has been registered as police case *vide* Jagdishpur P.S. Case No. 109 of 2022 on 02.03.2022 under Sections 467, 468, 471, 420/34 of the Indian Penal Code. Lastly, it has been submitted that he has one criminal case against him which has been filed by the wife of the petitioner (complainant).

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 440 C of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bhojpur at Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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