

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74447 of 2024

Arising Out of PS. Case No.-335 Year-2020 Thana- COMPLAINT CASE District- Lakhisarai

Manoj Kumar @ Manoj Shah Son of Hira Lal Saw R/O Vill.- Ahiyapur,
Farchiban, P.S.- Bachwara, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Kumari Wife of Manoj Kumar R/O Vill.- Ahiyapur, Farchiban, P.S.-
Bachwara, Dist.- Begusarai. At Present, R/O Maheshpur, P.S.- Piri Bazar,
Dist.- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Mr. Kumar Ranjit Ranjan, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. Earlier vide order dated 28.10.2024, notice was issued to the Opposite Party No.2. From perusal of the service report available on the record, it appears that the registered cover notice has been received by Opposite Party No.2 personally, but the Opposite Party no.2 has chosen not to appear in the present proceedings.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498(A), 504/34 of the Indian Penal Code, but the cognizance has been taken only under Section 498(A) of the Indian Penal Code.



4. The instant case arises out of a complaint filed by the complainant, who has levelled allegation against the petitioner, the husband of the complainant, that he is having an illicit relationship with his sister-in-law (Bhabhi), namely, Mala Devi to which she used to protest. Upon such protest, the petitioner and other members of the family used to hurl abuses upon her and also assaulted her and ultimately, she was ousted from her matrimonial house.

5. Learned counsel for the petitioner submits that it would appear from the complaint petition itself that totally absurd allegation has been levelled against the petitioner and there is no element of truth in it. It also appears from perusal of the complaint petition that the complainant had been ousted from her matrimonial house in the year 2015, but she has filed the complaint for the same on 13.10.2020. Learned counsel for the petitioner further submits that para 9 of the bail petition itself shows that the mother of the petitioner is paralyzed and she really needs the services of his wife. Petitioner is ready to keep the complainant with him with full honour and dignity, but it is the complainant, who is not willing to reside with the petitioner and has levelled absolutely absurd and dirty allegations upon her husband. However, the petitioner has



stated in para 19 that he is still ready to settle the dispute with the complainant.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case, the allegation levelled against the petitioner and the inordinate delay in filing the complaint petition without giving any plausible explanation for the same, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned J.M. 1st Class, Lakhisarai in connection with Complaint Case No. 335C of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

8. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Soni Shrivastava, J)

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