

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73350 of 2023

Arising Out of PS. Case No.-97 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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RAKESH RAI @ RAKESH KUMAR @ RAKESH KUMAR RAI Son of
Satya Narain Rai R/o vill - Hariharpur Khairi, P.S. - Khanpur, Distt. -
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shobha Devi W/o Rakesh Rai @ Rakesh Kumar @ Rakesh Kumar Rai R/o
vill - Hariharpur Khairi, P.S. - Khanpur, Distt. - Samastipur at present D/o
Satto Rai R/o vill - Dabaipatti, P.S. - Sariranjana, Distt. - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar
For the Opposite Party/s : Mr.Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 07-02-2025 Heard.

2. As per allegation, marriage of the opposite party
No. 2 was solemnized with the petitioner on 10-07-2013. After
marriage, the petitioner (husband of the victim) alongwith his
family members started torturing the victim for non-fulfillment
of demand of dowry. The accused persons demanded Rs.
50,000/- and on non-fulfillment thereof, they ousted the victim
who is living in financial scarcity in her Mayake alongwith her
minor daughter, born out of wedlock of the petitioner.

3. The petitioner apprehends his arrest in connection
with Complaint Case No. 97 of 2019 registered for the offence



punishable under Section-498A/34 of the Indian Penal Code.

4. In order to explore the possibility of restoration of matrimonial relations, the matter was referred to District Mediation and Conciliation Centre. The report is annexed with the record shows that the process of mediation has failed.

5. Learned counsel for the petitioner has submitted that the petitioner is a labourer and he is residing outside the state for earning his livelihood and the alleged victim is insisting upon him to keep her on his place of work which is not feasible for the petitioner.

6. Learned counsel appearing for the informant/opposite party No. 2 submits that the opposite party No. 2 is passing her miserable days in her Mayake in financial scarcity along with her minor daughter. She has no means for her livelihood to which, the learned counsel for the petitioner submits that the petitioner is a labourer and he himself is hand to mouth but he may provide monthly maintenance of Rs. 3,000/- per month to his wife.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate/concerned court, Samastipur in connection with Complaint Case No. 97 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. It is made clear that the petitioner will make payment of Rs. 3,000/- per month to his wife (opposite party No. 2).

(Nawneet Kumar Pandey, J)

A.K.V.//-

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