

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77493 of 2024

Arising Out of PS. Case No.-289 Year-2020 Thana- JHAJHA District- Jamui

Rahul Kumar Son of Sudhir Singh Village- Chain /chayan, PS- Jhajha, dist-
Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishakha Kumari Daughter of Shyam Sundar Sah Village- Chain /chayan,
PS- Jhajha, dist- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mishra, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Pankaj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard Ld. counsel for the petitioner, Ld. APP for the
State and learned counsel for the O.P. No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Jhajha P.S. Case No. 289 of 2020 dated
26.08.2020, registered for the offences punishable under
Sections 420, 376, 498A, 323, 504 and 506/34 of the Indian
Penal Code.

3. As per allegation, there was physical relationship
between the petitioner and the informant and thereafter, they
entered into marriage and after the marriage, the parents of the
petitioner did not allow to live her in their house. Hence, the
informant went to Jamtara with the petitioner-husband to live,



but after coming back from Jamtara, petitioner-husband has deserted the informant-wife.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no truth in the allegation. He further submits that the petitioner is interested to keep his wife/informant with himself, but she does not want to live with him.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State and learned counsel for the O.P. No. 2 vehemently oppose the prayer of the Petitioner for bail submitting that the informant/wife is very much willing to live with the petitioner/husband, but he is not taking her to his matrimonial home.

8. It appears that there is matrimonial discord and the better course for the parties is to move Family Court. They should move Section 9 of Hindu Marriage Act to restitution of conjugal rights or any another matrimonial petition as advised.



9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Jamui, in connection with Jhajha P.S. Case No. 289 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

ravishankar/shoaib

U		T	
---	--	---	--

