

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47179 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Kumar Abhishek S/o Sri Dinesh Kumar resident of Village - Barmasiya,
Chiraiya, Ghat P.s Town Giridih District Giridih.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Krishnandan Pd. Singh, Senior Advocate
Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mrs. Anuradha Singh (APP)

For the informant : Mr. Satya Ranjan Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

4 04-11-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Kumar Abhishek, in connection with Deep Nagar Police Station Case No.71 of 2015 under Sections 323 307, 498A/34 of the Indian Penal Code and Sections 3 of the Dowry Prohibition Act.

Perused the above application and materials on record.

Heard Dr. Krishnandan Pd. Singh, learned Senior Counsel for the petitioner, and Mrs. Anuradha Singh, learned Additional Public Prosecutor, appearing on behalf of the State. Heard also Mr. Satya Ranjan Sinha, learned Counsel, appearing

for the informant.

According to the petitioner, while the assault took place on 27.02.2015 and the medical examination report is of 16.03.2015, the fact remains that the accused petitioner had, as far back as, on 21.02.2015, had instituted a suit for restitution of conjugal rights against his wife, coupled with the fact that the accused above-named has been in custody since 28.08.2015 in connection with the case aforementioned and though charge sheet has been submitted, trial has not yet commenced and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs.10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Biharsharif, in connection with Deep Nagar Police Station Case No.71 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

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