

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24695 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

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1. Raj Narain Kumar S/o Late Bhagat Resident of Village Jagdish Kamtaul,
P.S. Kurhani, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Niti Devi W/o Raj Narain Kumar, Son of Rameshwar Bhagat Resident of
Village Nariyar, P.S. Motipur, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh
For the State : Mr. Ram Priya Sharan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-07-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Motipur P.S. Case No. 53 of 2015 registered for the offence under
Sections-498A, 494 of the Indian Penal Code and Sections-3/4 of
Dowry Prohibition Act.

Petitioner happens to be husband of the informant.

According to prosecution case itself, the informant left her
matrimonial home in the year, 2012 and since then, she has been
residing at her parents' home. It has, specifically, been pleaded at
paragraph-7 of the petition that prior to institution of the present
case, one complaint case bearing Complaint Case No. 644 of 2013

was filed by the informant for the offence punishable under Section-498A of the Indian Penal Code and Sections-3/4 of Dowry Prohibition Act and in the aforesaid case, petitioner was granted privilege of anticipatory bail vide Cr. Misc. No. 13328 of 2014. Moreover, the informant lodged the present case, when the petitioner solemnized his second marriage and therefore, even if, the prosecution story assumed to be true, then also, only a case u/S 494 of the Indian Penal Code is made out and the said section is bailable in nature.

Accordingly, it is ordered that in the event of his arrest or surrender within four weeks from the date of receipt/production of copy of order in the court below, let the petitioner named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Motipur P.S. Case No. 53 of 2015 to the satisfaction of Chief Judicial Magistrate/concerned court, Muzaffarpur subject to conditions as laid down u/S 438(2) of the Cr. P.C.

(Hemant Kumar Srivastava, J)

A.K.V./-

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