

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26169 of 2015

Arising Out of PS.Case No. -151 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Mithilesh Kumar Das S/o Awadh Bihari Das R/o village - Madudabad,
P.O. Mohiuddin Nagar (R.S.), P.S. Mohiuddin Nagar, District -
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi D/o Yogendra Das R/o village - Bishunpur Gaushi, P.S.
Mahnar, District - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha
For the Opposite Party/s : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner being husband of the complainant
apprehends his arrest in Complaint Case no.151 of 2014 in which
cognizance has been taken of the offence punishable
under section 498A of the Indian Penal Code and section 4 of the
Dowry Prohibition Act.

Admittedly, the marriage of the complainant was
solemnized in the year 2003 and the present case was filed in the
year 2014 that is after 11 years of marriage. Furthermore, it is
admitted position that complainant gave birth of three children out

of the aforesaid wedlock. It would appear from perusal of the impugned order of learned Sessions Judge that the complainant refused to lead her married life with petitioner on the ground of solemnization of 2nd marriage by the petitioner and admittedly, the cognizance for the offences under section 494 of the Indian Penal Code has not been taken in this case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub – Divisional Judicial Magistrate, Vaishali at Hajipur in Complaint Case No. 151 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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