

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45361 of 2014

Arising Out of PS.Case No. -213 Year- 2013 Thana -BALIA District- BEGUSARAI

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Md. Manzar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1

For the Opposite Party/s : Mr. Shakir Ahmad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323 and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to informant/opposite party no.2 vide order dated 23.12.2014 on the submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That it is made clear that the petitioner is always ready and still ready to keep his wife full dignity and honour.”

It appears from the service report that the process server could not meet the informant though, he meet the sister of the informant who refused to receive the notices, hence house

service has been effected, hence let notices issued to opposite party no.2 be deemed to be validly served.

It is submitted by learned counsel for the petitioner that the informant is deliberately avoiding to receive the notices as she earlier filed Begusarai Mahila P.S. Case No. 13 of 2014 with similar accusation in which the petitioner has been granted bail.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Begusarai in connection with Ballia P.S. Case No. 213 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the informant/opposite party no.2 to resume the conjugal life and if she files such an application before the learned court below, the learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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