

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34551 of 2014

Arising Out of PS.Case No. -24 Year- 2014 Thana -MAHILA PS District- JEHANABAD

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1. Rajeev Kumar @ Binod Yadav S/o Congress Yadav Resident of Village Golakpur, P.S. Pali, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Devanti Devi D/o Devendra Yadav Resident of Village Kharauna, P.S. Masaurhi, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

5 30-07-2015 Heard Mr. Dhirendra Kumar Sinha for the petitioner and Mr. Arbind Prasad Singh for the informant (wife).

The informant claims to have married with the petitioner and the wedlock produced four children. There is allegation of torture, both mentally and physically, at the hands of the petitioner.

Conversely, the petitioner has taken a stand that he was never married to the informant and the children living with the informant are not the children born out of the wedlock. He is not bio-logical father of those children.

A stand has been taken before this Court that on an application filed by the petitioner, the Court may be directed to carry out D.N.A. test of the children. The informant has also stated

that she is ready for such D.N.A. test.

There appears to be a dispute between the parties with regard to actual marriage of the informant with the petitioner. They may have their own case to plead. This Court is, however, impressed by the submission of the petitioner that in order to secure the privilege of anticipatory bail, the petitioner would be willing to deposit/pay one time litigation cost in the sum of Rs. 15,000/- in favour of the informant.

Having considered the rival submissions of the parties, I am inclined to extend the privilege of anticipatory bail to the petitioner.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Rachna Raj, Judicial Magistrate, 1st Class, Jehanabad in Jehanabad (Mahila) P.S. Case No. 24 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) Along with the bail bond, the petitioner shall produce a

demand draft favouring the informant and/or receipt showing deposit of a sum of Rs. 15,000/- (fifteen thousand) in the Nazarat of the Court which the informant would be entitled to withdraw. This Court clarifies that such deposit/payment shall be without prejudice to the right and contentions of the petitioner in the case.

(Kishore Kumar Mandal, J)

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