

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39089 of 2014

Arising Out of PS.Case No. -2003 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Nakshatra Kumar Mondal @ Mandal son of Dwarika Prasad Singh
Resident of Village - Basuhar Majdia, P.O. M.T. Devipur, Police Station
Kurshela, District - Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Savita Mandal wife of Nakshtra Kumar Mandal daughter of Patel Sahni
Presently residing at Police Line Katihar, P.S. and District - Katihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Arun Kumar Singh-5(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-03-2015

Heard the parties.

The petitioner is husband of the complainant and seeks anticipatory bail in complaint case no.2003/2013 instituted under section 498 A/34 of the IPC.

When the marriage was solemnized the complainant was a house lady. Subsequently, she got appointed as police personnel. The dispute started therefrom. The minor son of the complainant made an application before the Superintendent of police seeking transfer of her mother to Katihar as she was not taking care of the family. On such request transfer was made. Subsequent thereto the present complaint has been filed followed by another application seeking divorce vide matrimonial case no. 413 of 2013, copy whereof has been filed.

Counsel for the petitioner referring to those documents and averments made in the application has contended that the reason for lodging the case is obvious.

In view of the above, let the petitioner, named above, in the event of his arrest/surrender within four weeks from today before the Court below, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Katihar, in connection with complaint case no. 2003 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates trial Court shall have liberty to cancel the bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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