

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16803 of 2015

Arising Out of PS.Case No. -265 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

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1. Shiv Shankar Prasad Sah @ Shiv Shankar Sah @ Shib Shankar Sah son of Late Nandan Sah resident of Matha Bandh, Pani Tanki, Police Station and District - Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Kumari wife of Sri Shiv Shankar Sah and daughter of Sri Dhaneshwar Prasad Sah at present residing at village - Sadhuwa, Police Station - Gopalpur (Rangra), District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha

For the Opposite Party/s : Mr. Anusuiya Jaiswal(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 16-07-2015

Heard.

Undisputedly, the petitioner had married the complainant and a son was born out of the wedlock to the complainant. There is no dispute in it that the lady met with an accident necessitating the amputation of one of her legs. Probably that was the reason that the petitioner is said to have abandoned the lady to marry another lady.

The complainant had approached the Womens' Cell in the Office of the Superintendent of Police, Bhagalpur and it appears that some reconciliatory efforts resulted in monthly payment of Rs.3,000/- to the lady by the petitioner and the petitioner also agreed to visit the lady for at least three days in a month.

The lady does not deny that the amount of money was indeed paid to her but it the petitioner certainly does not visit her as per the understanding between the parties and further he was giving abusive calls to the lady laced with threatenings from the petitioner.

Submission was that conditions as set down in terms of agreement between the parties are being observed by the petitioner and the petitioner himself suffers from serious ailment which is a matter of grave concern for him which also spears a in little time to pay attention to other things.

Regard being had to some of the admitted facts noted above and the circumstances appearing in the lives of the two parties, let the above named petitioner be directed to be released on bail either in the event of his arrest by the police or surrender in the court below on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, Naugachhia, District-Bhagalpur in connection with Gopalpur (Rangra) P.S.Case No.265 of 2013, G.R.No.1124 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J)

B.Kr./-Saif.

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