

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51868 of 2014**

Arising Out of PS.Case No. -24 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

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Abhmanyu Kumar

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

Appearance:

For the petitioner: Mr. Sanjay Kumar @ S.K. Advocate.

For the informant; Mr. Hanslal Kumar

For the State : Mr. N.N. Tiwary, APP>

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

2      05-01-2015      Heard learned counsel for the petitioner and learned counsel, appearing for the State as also learned counsel, appearing for opposite party No. 2.

The petitioner, being husband of opposite party No. 2 apprehends his arrest in connection with Sitamarhi Mahila P.S. Case No. 24 of 2014 registered under Sections-341, 323, 498A, 313/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Admittedly, the marriage of the petitioner was solemnized with opposite party No. 2 in the year, 2008 and the present case has been lodged against the petitioner on 07-08-2014. It is also an admitted position that two months' prior to lodging of the present case, the petitioner filed Divorce Suit No. 189 of 2014 in the court of Principal Judge, Family Court, Muzaffarpur against

the opposite party No. 2 on the ground of adultery.

Learned counsel, appearing for opposite party No. 2 submits that opposite party No. 2 is still ready to lead her matrimonial life with the petitioner but submission on behalf of the petitioner is that the petitioner is not ready to keep the opposite party No. 2 as the petitioner has already filed divorce suit on the ground of adultery.

Considering the above-said facts and circumstances as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest or surrender in the court below within four weeks from today, the petitioner named-above, is directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sitamarhi Mahila P.S. Case No. 24 of 2014 to the satisfaction of Additional Chief Judicial Magistrate, Sitamarhi subject to conditions as laid down u/S 438(2) of the Cr. P.C.

Furthermore, the parties may take steps before Principal Judge, Family Court, Muzaffarpur in Divorce Suit No. 189 of 2014 for one time settlement.

**(Hemant Kumar Srivastava, J)**

A.K.V./-

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