

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12060 of 2016

Arising Out of PS.Case No. -118 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

=====

Mukesh Kumar, Son of Bisheshwar Ram, Resident of Village- Baghi Dalit
Mohalla, P.S. Nagar Begusarai, District- Begusarai (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi w/o Mukesh Kumar D/o Jayram Ram, R/o Bikrampur
Bande P.S. Muffasil Samastipur District Samastipur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Shakir Ahmad (App)
Sri S.N. Shukla

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 15-12-2016 Heard Sri Deepak Kumar Singh, learned counsel for
the petitioner , learned Additional Public Prosecutor as well as
Sri S.N. Shukla , learned counsel who has appeared on behalf of
the informant /opposite party no. 2.

Earlier , by order dated 11.3.2016 while allowing the
petitioner to implead the informant as opposite party no. 2 order
was passed for issuance of notice to the opposite party no. 2 . In
the meanwhile , direction was issued not to take any coercive step
against the petitioner in Samastipur Muffasil P.S. Case No. 118 of
2015. On notice , the informant /opposite party no. 2 has
appeared through counsel.



At the very outset learned counsel for the informant submits that the informant is still ready to reside with the petitioner if he keeps her with full respect and dignity as wife.

Sri Deepak Kumar Singh, learned counsel for the petitioner on instruction submits that petitioner is also ready to keep the informant as wife with respect .

In view of stand taken by the parties , there is no reason to deny prayer for anticipatory bail. Accordingly , in the event of arrest or surrender within a period of six weeks from today, let the petitioner Mukesh Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur / concerned court in connection with Samastipur Muffasil P.S. Case No. 118 of 2015 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

It is made clear that privilege of anticipatory bail to the petitioner, who is husband of the opposite party no. 2 has been extended only on undertaking given by learned counsel for the petitioner that petitioner will keep the informant as wife with respect and dignity, meaning thereby that if subsequently any torture is administered to the informant then in that event



informant would be at liberty to file a mentioning slip before this court, and in such eventuality this court may recall this order.

The petition stands allowed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--

