

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14328 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Mithu Sah @ Mithu Kr. Sah S/o Sri Parmeshwar Sah Resident of
Village- Tingachia, Ward no. 44, PS Katihar town, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Monika Devi W/o Mithu Sah R/o Village- Naya tola tingachia (Back
Side), of Bazar Samiti PS town Katihar, ward no. 44, Distt Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
341, 323, 498A, 324, 307/34 of the Indian Penal Code.

This Court issued notice to opposite party no. 2
vide order dated 01.04.2016, but reflects from the office
note dated 10.08.2016 that opposite party no. 2 refused to
receive notice. Though, the service report of registered
cover has not been received. In the circumstances, notice

issued to opposite party no.2 treated to be deemed valid service.

The basic accusation is of torture and causing injury by knife to the informant.

It is submitted by the learned counsel for the petitioner that accusation of causing injury is not against the petitioner. The petitioner admits his marriage with the informant and he is ready to keep her with due dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioner Mithu Sah is the husband of the informant and he is ready to keep her with full dignity and respect.”

Considering the present stand of the petitioner and the fact that informant chose not to appear before the Court, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 5 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the informant to resume the conjugal life. If the informant files such application, then the petitioner shall be

obliged to comply the undertaking given before the Court.



(Dinesh Kumar Singh, J)