

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18844 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -HARLAKHI District- MADHUBANI

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Vinod Mahto

.... Petitioner/s

Versus

1. State of Bihar,
2. Lalita Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 08-09-2016 Heard learned counsels for the petitioner and the State.

However, none appears on behalf of the O.P. No. 2.

Office note dated 7.9.2016 reflects that ordinary process of notice has been effected by house service though registered cover of notice has been returned with a note that the O.P. No. 2 has gone out to some unknown place.

In the circumstances, the notice issued to O.P. No. 2 be deemed to be validly served.

The matter has been listed under the heading 'For Orders (on office notes) but since O.P. No. 2 has not appeared and the notice has been deemed to be validly served, this matter is being taken up on merits.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences

punishable under Sections 323,324,498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture. It is specifically alleged that the mother of the petitioner assaulted with sickle on the head of the informant causing bleeding injury.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:

“That the petitioner was/is always ready to keep his wife with full honour and dignity but she is the informant, who is not at all ready to live with husband at her sasural.”

It is further submitted that similar was the stand of the petitioner before the learned court below. Now the informant has performed second marriage though statement to that effect has not been made in the petition.

Considering the fact that the accusation of causing injury has been levelled against the mother of the petitioner, the present stand of the petitioner and the fact that the informant in spite of issuance of notice, chose not to appear, let the above named petitioner be released on anticipatory bail in the event of

arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Benipatti in connection with Harlakhi P.S. Case No. 90 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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