

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28322 of 2014

Arising Out of PS.Case No. -728 Year- 2013 Thana -NAWADA District- NAWADA

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Rakesh Kumar Suman

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Md. Ataur Rahman (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

9 09-05-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of Nawada Town P. S. Case No. 728 of 2013, disclosing offences under Sections 498A and 307 of the Indian Penal Code.

The petitioner is the husband of the informant, Opposite party no.2. By an order dated 11.07.2014, while issuing notice to Opposite party No.2, the petitioner was granted provisional bail. The matter was subsequently referred to Patna High Court Mediation Centre by an order, dated 04.03.2016. The learned Mediator has submitted his report indicating that the Opposite party No.2 did not turn up to participate in the process of mediation.

Mr. Ambika Bhagat, learned counsel appearing on behalf

of the petitioner has submitted that during the period the petitioner was on provisional bail, he never misused the said privilege. He further submits that matrimonial dispute between the petitioner and the Opposite party No.2 is being given colour of a criminal case. I find substance in the submission made on behalf of the petitioner that there is no likelihood of his fleeing from the course of investigation or trial if he is allowed privilege of anticipatory bail.

This application is, accordingly, allowed.

The provisional bail granted to the petitioner vide order dated 11.07.2014, stands confirmed. The petitioner shall remain on bail bond furnished by him in terms of the order of this Court dated 11.07.2014.

(Chakradhari Sharan Singh, J)

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