

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 41258 of 2016

Arising Out of PS.Case No. -210 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Munna Yadav Son of Baijnath Yadav, R/o Village- Salempur, P.S. Moffasil, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Munni Devi W/o Munna Yadav and D/o Sri Krishna Yadav. R/o Kishanpura, P.S. Magadh Medical, District- Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Shyameshwar Dayal
Mr. Pravin Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 29-11-2016 Heard Sri Ajay Kumar Sinha, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Pravin Kumar, learned counsel appearing on behalf of informant/opposite party no. 2.

The petitioner, husband of the opposite party no. 2/informant, has prayed for grant of anticipatory bail in Muffasil P.S. Case No. 210 of 2016 registered for offence under Sections 498(A) and 34 of the Indian Penal Code.

By way of referring to **Annexure – 2** to the petition, it was submitted by learned counsel for the petitioner that initially, the father of the petitioner had lodged an informatory petition in the court of learned Chief Judicial Magistrate, Gaya. It was lodged

on 24-02-2016 and thereafter, the present F.I.R. was lodged on 07-05-2016 maliciously and entire family members of the petitioner have been made accused. It was informed by learned counsel for the petitioner that petitioner has also filed a divorce case on 01-10-2016.

In the present case, while directing for issuance of notice to informant/opposite party no. 2, a direction was given for taking no coercive step against the petitioner. Meaning thereby that during the period while petitioner was enjoying the interim protection, he has filed divorce case. Moreover, after going through the F.I.R., the Court is satisfied that it is not a case for grant of anticipatory bail.

The petition stands dismissed.

In view of dismissal of this petition, interim order of stay dated 21-09-2016 stands vacated.

(Rakesh Kumar, J.)

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