

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36030 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -BASOPATTI District- MADHUBANI

=====

Amresh Kumar Purvey @Ameresh Purbey son of Sri Ramashish Purvey
resident of Village-Panchratan, P.S.- Basopatti, District- Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party : Mr. M.Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 16-11-2016 Heard Mr. Ajay Kumar Thakur, learned counsel for the
petitioner and Mr. M.Dayal, learned APP for the State.

Petitioner is own sister in-law of the informant. The
allegation is that on assurance of marriage, petitioner had
established physical relationship with the informant and later he
denied to marry her.

The contention of the petitioner is that even according to
the FIR, the husband of the informant had died in 2012 for which
a FIR was lodged wherein it was found that it was a natural death.
Subsequently, the relationship strained. Inasmuch as a partition
suit was filed by the brother of the petitioner vide Annexure-4 for
partition in the family which was being contested by the
informant. Earlier to this, Annexure-5 was filed by the petitioner



against the present informant and her Naiher people under Sections 379, 386 and 380 of the IPC. Referring to the further statement of the informant recorded by the investigating officer, it is submitted that she did not allege any physical or otherwise relationship of the petitioner with the informant. In the submission of the counsel for the petitioner, it is a ploy to exert undue pressure on the family. Referring to the case of Tilak Raj v. State of Himachal Pradesh (2016) 4 SCC 140, it has been submitted that the offence as alleged would not be made out. With particular reference to Annexure-3, it is stated that similar kind of allegation was earlier levelled by the informant which was not found substantiated during investigation.

Considering the above facts, I direct that in the event of his arrest or surrender in the court below within a period of four weeks, the above named petitioner shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Ist Class, Madhubani in connection with Basopatti P.S.Case No.62 of 2016, subject to the conditions as laid down under Sections 438(2) of the Cr.P.C. with the further following conditions:

- (i) One of the bailors shall be a own/close family

member of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) During the subsistency of privilege of anticipatory bail if the petitioner is found involved in any case of domestic violence, the same would be considered as a breach of the condition of anticipatory bail entailing cancellation thereof.

(Kishore Kumar Mandal, J)

B.Kr./-

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