

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55103 of 2016

Arising Out of PS.Case No. -380 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Mithilesh Yadav S/o Mahendra Yadav Resident of Village- Hanuman
Nagar, P.S.- Sour Bazar, District- Saharsa. Petitioner/s

Versus

1. The State of Bihar.
2. Sulekha Devi W/o Mithilesh Yadav Resident of Village- Hanuman
Nagar, P.S.- Sour Bazar, District- Saharsa. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 23-12-2016 Heard the Counsel for the petitioner and Mr. Dayal, APP for
the State.

Petitioner apprehends his arrest in Sour Bazar P.S. Case No.
380 of 2016 registered under sections 341, 323, 307, 379 and 34 of
the Indian Penal Code.

Petitioner is the husband of the informant. According to the
F.I.R., he contracted second marriage about 15 years ago but
permitted the informant to live in the house inasmuch as certain
land was also registered in her name. The allegation is that while
she was coming after easing herself, the petitioner and the second
wife of the petitioner put rope around her neck and tried to assault
her in which the mother-in-law also assisted.

Contention of the petitioner is that the informant lodged the
case at the instance of her brother-in-law (*bahnoi*). Referring to
the injury report (Annexure-2), it is stated that the same was



obtained prior to the lodging of the case. The allegation does not inspire confidence. The petitioner, however, undertakes not to commit any serious offence with the informant, if granted privilege of anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to 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 Sri R. Chaubey, C.J.M., Saharsa in Saur Bazar P.S. Case No. 380 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further conditions that one of the bailers shall be the own/close family members of the petitioner.

During the subsistency of the privilege of bail, if the petitioner is found involved in committing domestic violence of serious nature against the informant, same shall be reported to the Court whereafter the learned Court below shall be liberty to cancel the bail bonds as the same is a condition of grant of anticipatory bail.

(Kishore Kumar Mandal, J)

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