

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34403 of 2016

Arising Out of PS.Case No. -218 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Sanjay Kumar S/o Late Brahmdeo Sao, R/o Ram Nagri Sector-IV, P.S.-
Rajiv Nagar, P.O- Ashiananagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi W/o Sanjay Kumar Mohalla – Ram Nagri, Sector – 04, P.S.
Rajiv Nagar, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 18-10-2016 Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323 and 504/34 of the Indian Penal Code.

The basic accusation is of torture after 19 years of the marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of three children. The informant has illicit relationship with one Dilip Kumar for which petitioner lodged

Rajiv Nagar P.S. Case No. 25 of 2014 levelling accusation under Sections 363 and 366A/34 of the Indian Penal Code and thereafter maliciously the present case has been lodged. However, petitioner is still ready to keep the informant with children with dignity and honour, though, statement to that effect has not been made in the petition.

Notices were issued to opposite party no. 2 vide order dated 11.08.2016. The office note dated 17.10.2016 reflects that ordinary process of notice has been received by opposite party no. 2 but notice under registered cover has been returned with postal peon report that addressee is not available. In the circumstances, the notices issued to opposite party no. 2 deemed to be validly served.

Keeping in view of the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of his 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 Chief Judicial Magistrate, Patna in connection with Rajiv Nagar P.S. Case No. 218 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The present order will not preclude the informant to resume the conjugal. If the informant files such application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.



DKS/

(Dinesh Kumar Singh, J.)

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