

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30336 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -KHAJEKALA District- PATNA

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Satish Kumar @ Kumar Satish, Son of Baleshwar Prasad, resident of
Mohalla – Diwan Mohalla Gowal Toli, P.S. Khajekalan, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Radha Krishan Prasad, Son of Late Baijnath Mahto, resident of
Chandmari Akouna, P.S. Motihari, District – Motihari.
3. Poonam Kumari, Wife of Satish Kumar, D/o Radha Krishna Prasad,
Resident of Mohalla – Chandmari, Akouna, P.S. Motihari, District –
Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 06-09-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the daughter
of the informant is apprehending his arrest in a case registered for
the offences punishable under Section 498A of the Indian Penal
Code.

The basic accusation is of torture.

Notices were issued to opposite party no. 3 the
wife of the petitioner vide order dated 22.07.2016. The office note
dated 06.09.2016 reflects that opposite party no. 3 refused to take
notice on the ground that the date of appearance has lapsed.

Hence, house service was affected. In the circumstances, notices issued to opposite party no. 3 be treated to be a deemed valid service.

None appears for opposite party no. 3.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the daughter of the informant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That it is further submitted that the petitioner is husband of the daughter of informant and he is ready to keep his wife with full honour, dignity, love and affection.”

It is further submitted that opposite party no. 3, the wife of the petitioner, has filed petition application before Bihar State Woman Commission, Patna on 09.09.2015 where she failed to appear and thereafter she stated that she want divorce.

Considering the present stand of the petitioner and the fact that opposite party no. 3 chose not to appear, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like

amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna City in connection with Khajekalan P.S. Case No. 280 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude opposite party no. 3 to resume the conjugal life. If opposite party no. 3 files such an application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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