

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32094 of 2016

Arising Out of PS.Case No. -1541 Year- 2015 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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BIPIN BIHARI @ AAKASH RAJ S/o Late Ganesh Shankar Vidyarthi
resident of Village- Tekathi, P.S.- Madhepura, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar.

2. Ritu Devi @ Roji Devi D/o Sikandar Mandal resident of Village-
Tekathi, P.S.- Madhepura, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Anish Chandra

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

ORAL ORDER

2 09-08-2016

Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under section 498A of the Indian Penal Code.

The basic accusation is of torture. It is alleged that the petitioner was married with the complainant on 17.5.2015 in a temple but she was driven out from her matrimonial house on 19.5.2015.

It is submitted by the learned counsel for the petitioner that the brother of the petitioner, Vidya Shankar Bihari, lodged Complaint Case No. 302 of 2015/ 320 of 2015 against the complainant's family alleging that the petitioner was kidnapped by

the family members of the present complainant. The said complaint was filed on 25.5.2015, wherein cognizance was taken vide order dated 12.8.2015 under sections 365, 120B of the Indian Penal Code. Thereafter the present complaint was filed on 26.9.2015. A supplementary affidavit has been filed on behalf of the petitioner to the effect that non-bailable warrant of arrest has been issued by the learned court below on 30.6.2016. Statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows:

"That it is pertinent to mention here that non-bailable warrant has already been issued against petitioner on 30.6.2016."

Considering filing of the complaint by the brother of the petitioner alleging kidnapping of the petitioner at the earlier point of time, let the abovenamed 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 the S.D.J.M., Madhepura in Complaint Case No. 1541/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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