

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50969 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

=====

Baban Choubey son of Late Gaya Choubey, Resident of village- Balapur,
P.S.- Karaghar, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sushila Pandey W/o Baban Choubey, R/o village – Balapur, P.S. –
Karaghar, District –Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

=====

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

05/ 14-07-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the father of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 327, 328, 344, 498A and 323/34 of the Indian Penal Code.

The informant being the daughter of the petitioner has alleged that her mother is being tortured by the petitioner being father of the informant and since the petitioner has performed second marriage with one Pushpa Devi the mother of the informant is not being provided medical assistance.

It is submitted by learned counsel for the petitioner that even assuming the accusation no offence under

Section 498A IPC is made out. The FIR has not been registered under Section 494 IPC.

Notices were issued to the opposite party no. 2 vide order dated 04.11.2015 but since office note dated 18.03.2016 reflects that house service was effected, hence, notice issued to opposite party no. 2 was treated to be deemed valid service vide order dated 28.03.2016. None appeared on behalf of opposite party no. 28.03.2016 and 25.04.2016. Today also none is appearing on behalf of opposite party no.2.

Considering the nature of accusation when the wife of the petitioner has not come forward to raise any grievance, 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 Chief Judicial Magistrate, Sasaram in connection with Dehri Mahila P.S. Case No. 28 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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