

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39160 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

- =====
1. Kishori Mahto, S/o Raohan Mahto.
 2. Usha Devi, Wife of Kishori Mahto,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 21-04-2016 Heard learned counsels for the petitioners and the

State.

Petitioner no.1 being the husband of the informant
and petitioner no.2 being the alleged second wife of petitioner
no.1 are apprehending arrest in a case registered for the offences
punishable under sections 341, 323, 504, 506, 307, 498A/34 of
the Indian Penal Code.

Basic accusation is of torture and making attempt to
strangulate the informant and her son.

Notices were issued to opposite party no.2 vide order
dated 25.08.2015 and thereafter vide order dated 11.01.2016
fresh notices were issued to opposite party no.2 but since
opposite party no.2 refused to accept the notice, vide order

dated 18.03.2016, the notices issued to opposite party no.2, was directed deemed as service. Today also none is appearing on behalf of opposite party no.2.

It is submitted by learned counsel for the petitioners that the petitioner no.1 admits his marriage with the informant but it is the informant who deserted petitioner no.1 as the petitioner no.1 is suffering from leprosy and the informant has performed second marriage whereas the petitioner no.1 has also performed second marriage.

Considering the fact that the informant has chosen not to appear when the notices issued to her twice, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, preferably on the same day, if the petitioners surrender within a period of six weeks in connection with Mahila P.S. Case No.68/2015, pending before the learned CJM, Nalanda at Biharsharif.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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