

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41795 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA P.S District- SUPAUL

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Ramesh Yadav Son of Baidnath Yadav Resident of Village - Hardi (Chaughara), P.S. & District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Abita Devi D/o Hareram Yadav Resident of Village - Hardi (East Chaughara), P.S. & District - Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 03-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 324, 315 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture and establishing physical relationship on promise of marriage, subsequently, the marriage was performed but the petitioner killed the new borne baby.

On submission of learned counsel for the petitioner that the petitioner denies the factum of marriage, notices were issued to opposite party no.2 vide order dated 03.09.2015. Subsequently counsel for opposite party no.2 appeared and on his prayer the



matter was adjourned for 5th of April, 2016 vide order dated 03.03.2016 but on 05.04.2016, none appeared on behalf of opposite party no.2, however, counsel for the petitioner was present. Ultimately vide order dated 27.06.2016, fresh notices were issued to opposite party no.2. Office note dated 29.08.2016 reflects that notices have been validly served on opposite party no.2 but none is appearing on behalf of opposite party no.2.

A supplementary affidavit has been filed on behalf of the petitioner that the petitioner has not performed marriage with the informant and there is no proof on record that the child of the informant was killed by the petitioner.

Considering the fact that the informant chose not to controvert the contention of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Supaul in connection with Supaul (Mahila) P.S. Case No. 25 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below confirm the provisional

bail of the petitioner if from the records it prima facie appears that the petitioner did not kill the new borne baby of the informant but if it is found that the petitioner killed the new borne baby of the informant then the petitioner will surrender and pray for bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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