

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48935 of 2016

Arising Out of PS.Case No. -159 Year- 2010 Thana -PATORI District- SAMASTIPUR

=====

Sushil Sah, son of Shyam Sah, Resident of Village- Sahpur Undi, Purani Bazar, P.S. Patory, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 08-12-2016 Heard Sri Tarun Kumar Singh, learned counsel, who has appeared as per instruction of Sri Deepak Kumar Singh, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Patory P.S.Case No.159 of 2010, T.R.No.867/2016, registered for the offence under Sections 498, 498(A)/34 of the Indian Penal Code, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that the present case was initially initiated on the basis of complaint case vide Complaint Case No.1374/10, which was referred to the police for its registration and investigation under Section 156(3) of the Code of Criminal Procedure and, thereafter, Patory P.S. Case No. 159 of 2010 was instituted against the petitioner and other accused



persons. However, during investigation, accusation against the petitioner was not found true and, as such, the petitioner along with one another accused was exonerated, while other accused persons were forwarded as accused vide Chargesheet No.126/11 dated 14.08.2011. During the trial, the petitioner and one another person were summoned under Section 319 of the Code of Criminal Procedure. It has been argued that the petitioner had earlier filed a divorce case against the daughter of the informant, which was decided in his favour and after getting the knowledge of divorce, the present case was filed. During trial, though two persons were exonerated by the police, both were summoned under Section 319 of the Code of Criminal Procedure, out of those two accused persons; one, namely, Shyam Sah, father-in-law of the victim, was granted anticipatory bail. However, the prayer for anticipatory bail of the petitioner was rejected only on the ground that the petitioner was husband of the daughter of the informant.

Keeping in view the fact that during statutory investigation, the allegation was not found true against the petitioner and the petitioner has been summoned under Section 319 of the Code of Criminal Procedure along with other accused persons and one another accused person in similar circumstances has been granted privilege of anticipatory bail by the court below,



there is no reason to deny the prayer for anticipatory bail of the petitioner. Accordingly, let the petitioner, namely, Sushil Sah , in the event of his arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patory P.S. Case No.159/2010, subject to conditions as laid down in Section 438 of the Code of Criminal Procedure.

(Rakesh Kumar, J)

NKS/-

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

