

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7548 of 2017**

Arising Out of PS.Case No. -361 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-  
GOPALGANJ

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1. Rambachan Kohar son of late Ramnarain Kohar resident of village Pakhopali P.S. Bhore, District Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Smt. Lalmati Devi wife of Rambachan Kohar resident of village Bhaluhi Dayaram P.S. Kateya District Gopalganj.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar  
Mr. Ajay Kumar Singh  
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      19-04-2017      Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.C-361 of 2016 Tr. No.1896 of 2016, registered for offences punishable under Sections498(A) of the Indian Penal Code.

Allegation against the petitioner is about cruelty and torture and the case is under Section 498A of the Indian Penal Code. The petitioner is husband.

It is submitted on behalf of the petitioner that she is still living in the another house of the petitioner and their marriage had been solemnized 40 years back and only due to dispute with respect to a probate case, pending with the uncle of the petitioner, the present case has been lodged against the petitioner.

Heard learned A.P.P. also.



In this case, notices were issued to O.P.No.2, who is wife of the petitioner and service report shows that she received the notice processed through ordinary process but she did not appear before the court and so far notice issued through registered post is concerned, she refused to receive the same.

Having heard both sides and considering aforesaid aspects of the matter, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. VI, Gopalganj in connection with Complaint Case No.C-361 of 2016, Tr. No.1896 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

**(Vinod Kumar Sinha, J)**

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