

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30546 of 2017

Arising Out of PS.Case No. -287 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mukesh Kumar @ Mukesh Kumar Sah @ Mukesh Sah, son of Raj Narayan Sah, resident of Village- Parsa, Police station- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Kumari, wife of Mukesh Kumar @ Mukesh Kumar Sah @ Mukesh Sah, D/o Rajendra Sah, at present R/o Mohalla- Patel Nagar, Dhaka, P.O. +Police Station- Dhaka, District- East Champaran,./

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Smt. Reena Sinha, APP
Mr. Sangeet Deokuliar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 07-09-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Counter Affidavit has been filed on behalf of the Opposite Party No.2. Let it be kept with record.

Petitioner apprehends his arrest in Dhaka P.S. Case No.287 of 2016 instituted for the offence under Section(s) 498-A, 323, 504, 406, 307, 379 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Petitioner is husband of the informant-Opposite Party No.2. It has been submitted that the petitioner is ready to keep the wife with full dignity and care.



Counsel for the Opposite Party No.2 has submitted that for the reasons mentioned in the Counter Affidavit filed today in Court, the wife-Opposite Party No.2 does not want to live with the petitioner.

Counsel for the petitioner has, however, denied the facts mentioned in Counter Affidavit. Counsel for the petitioner has further submitted that in the mediation also the petitioner was ready to keep the informant, but she did not become ready to live with him.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Dhaka P.S. Case No.287 of 2016, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran at Motiahri, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate



in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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