

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12013 of 2017

Arising Out of PS.Case No. -4062 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Mithun Kumar, son of Umesh Sonar, Resident of Village- Sonvarsha Raj,
Police Station- Sonvarsha Raj, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Devi, wife of Mithun Kumar and daughter of Kamli Sao, Resident
of village- Satmalpur, P.S.- Warisnagar, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 21-06-2017

This matter has been listed for hearing out of
turn on the basis of slip filed by the petitioner.

Heard learned counsels for the petitioner and the
State.

The petitioner has renewed the prayer for
anticipatory bail in a complaint case wherein processes have
been directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the Indian Penal
Code.



The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that considering the nature of accusation and the fact that only summons were issued the petitioner's earlier anticipatory bail application was disposed of vide order dated 09.08.2016 passed in Cr. Misc. No. 29281 of 2016 with a liberty to learned court below to consider the prayer for regular bail of the petitioner and dispose of the same in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806, if the petitioner surrenders within a period of six weeks. It is further submitted that due to some mis-communication the petitioner could not surrender. However, the petitioner denies the factum of marriage with the complainant. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that no cogent explanation has been brought on record that for not surrendering the petitioner in pursuance to the earlier order of this Court, this Court is not inclined to revise the earlier order. However, it is expected from the learned court below to consider the prayer for bail of the petitioner, if the petitioner surrenders before the



learned court below within a period of six weeks from today in connection with Complaint Case No. 4062 of 2015, pending in the court of learned SDJM, Saharsa.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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