

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21779 of 2017

Arising Out of PS.Case No. -71 Year- 2016 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Kamlesh Sah Son of Dhanraj Sah Resident of Village- Tapasi Parsauna
Nawka tola, P.S. - Palnawa, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2017 The sole petitioner has approached this Court for grant
of privilege of anticipatory bail in Palanwa P.S. Case No. 71 of
2016 registered for offence under Sections 341, 323, 307, 504,
506, 498(A) of the Indian Penal Code and Sections 3 & 4 of the
Dowry Prohibition Act, 1961.

The petitioner is husband of the informant. It has been
disclosed that marriage of petitioner with informant was
solemnized in the year 2011. However, it has been alleged that on
13-11-2016, the informant and her parents were assaulted by the
accused persons. It has also been alleged that due to non-
fulfillment of demand of dowry, she was assaulted and ousted
from her in-laws' house.

However, on going through **Annexure – 2** to the



petition, it is evident that husband has filed a divorce case, vide Divorce Case No. 77 of 2016, which was filed on 08-03-2016, however; in the present case, F.I.R. was lodged on 16-11-2016.

Sri Shailendra Kumar Singh, learned Addl. Public Prosecutor has opposed the prayer for bail.

However, considering the fact that husband has already filed a case for divorce and present case was filed belatedly, there is no reason to refuse the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Kamlesh Sah be enlarged 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Palanwa P.S. Case No. 71 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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