

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29593 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -BHAGWAN BAZAR District- SARAN

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Sheo Dyal Mahto, S/o Gopal Mahto, resident of Village/Mohalla Nabiganj
Bindoliya, P.S. Bhagwan Bazar Distt- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar.
2. Babi Kumari, D/o Bhindi Mahto, resident of Village- Khashpatti, P.S.-
Amnoure, Distt- Saran at Chapra.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Ms. Rajani Kumari with Mr. Vijay Kumar,
Advocates

For the Opposite Party No.2: Mr. Yashraj Bardhan, Advocate

For the State : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 23-01-2017 Heard learned counsel for the petitioner, learned
counsel for the opposite party No.2 and learned APP for the State.

The petitioner is apprehending his arrest in connection
with Bhagwan Bazar P.S.Case No. 217 of 2015, registered for
offence punishable under Section 498A of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
paragraph-11 of the complaint petition itself shows that the factum
of marriage is questionable and actually marriage of the petitioner
with opposite party No.2 has not been accepted and as such no
offence under Section 498A of the Indian Penal Code is made out.

Learned counsel for the opposite party No.2 has
opposed the prayer for anticipatory bail of the petitioner.

Having heard learned counsel for both sides and on



perusal of the complaint petition, let the petitioner, Sheo Dyal Mahto, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 217 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, and further he will co-operate in the investigation of the case and make himself available before the police/court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bond shall be liable to be cancelled and he will not take any step to tamper with the evidence of the case.

(Vinod Kumar Sinha, J)

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