

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34733 of 2017

Arising Out of PS. Case No.-92 Year-2017 Thana- AGAMKUAN District- Patna

Deepak Sagar son of Late Rajendra Prasad Barnwal, Resident of Near Kumhrar Park, P.S. Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Sagar @ Sangeeta Kumari, Wife of Deepak Sagar, Daughter of Narendra Kumar Singh, Bansal Tower, Bhattacharya Road, P.S. Gandhi Maidan, District- Patna at Present Resident of Near Kumhrar Park, P.S.- Agamkuan, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Sanjeet Kumar
For the State	:	Mr. Ram Naresh Ray
For the Informant	:	Ms. Sangeeta Kumari Singh @ Nisha Sagar (in person)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 3 21-08-2017 Heard learned Senior Counsel for the petitioner, learned Additional Public Prosecutor representing the State of Bihar and the informant, who has appeared in person to oppose this application for anticipatory bail.

This application, for grant of anticipatory bail, arises out of Agamkuan Police Station Case No. 92 of 2017, disclosing offence under Sections 341/323/379/498A/504/506/34 of the Indian Penal Code.

The petitioner is the husband of the informant. The petitioner and the informant were married in the year 1998. This is not in dispute that in the year 2009, a complaint case,



registered as Complaint Case No. 3204 (C) of 2009, was filed by the informant, making allegation of commission of offences punishable under various sections including Section 498 of the Indian Penal Code. A domestic violence case was also lodged by the informant in the year 2009, registered as D.V. Case No. 50 of 2009. The present First Information Report has been registered in March, 2017.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that apparently there is serious matrimonial dispute between the petitioner and the informant and, therefore, he deserves privilege of anticipatory bail, as no tangible purpose would be served by taking the petitioner into custody.

The informant opposing the prayer for anticipatory bail has submitted that the petitioner is in habit of defying this Court's order and is presently living with some other lady. According to her, the petitioner is not paying to her any maintenance.

Be that as it may, what is evident from the materials on record that it is the matrimonial discord between the parties which has resulted into lodging of various cases, as noted above. The informant has tried to impress upon me that since



there are several cases pending against the petitioner, he should not be allowed privilege of anticipatory bail.

I have not found such submissions to be convincing to refuse the prayer for anticipatory bail in the background of circumstances noticed above.

This application is accordingly allowed.

Let the petitioner, Deepak Sagar, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, in connection with Agamkuan Police Station Case No. 92 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

This is subject to the condition that the petition shall present himself 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 below on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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