

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45876 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -MAHILA P.S. District- SAMASTIPUR

=====

Mukesh Kumar Sharma, son of Shankar Sharma, r/o village-Bhuindhara,
P.S.-Muffasil, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 22-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Mahila P.S. Case
No.17 of 2017 instituted for the offence under Section(s) 376,
354, 506/34 Indian Penal Code.

It has been submitted that marriage between the
petitioner and the informant has already been dissolved by the
Principal Judge, Family Court, Samastipur, by order dated
30.11.2011 passed in Divorce Case No.113 of 2011 under
Section 13-B of the Hindu Marriage Act and thereafter both are
living separately. The informant just to harass the petitioner has
filed the instant case in the year 2017. The Superintendent of
Police, Samastipur, got the matter enquired on the direction of
the Inspector General of Police, Darbhanga Region, and as per
the report of the police dated 24.08.2017, which is annexed as



Annexure-7 series, informant never lived with the petitioner after dissolution of marriage in the year 2011. Petitioner is living alone in a rented house.

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 Mahila P.S. Case No.17 of 2017, 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 Additional Chief Judicial Magistrate, II, Samastipur, 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)

JA/-

U		T	
---	--	---	--

