

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35698 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -MAHILA PS District- JAMUI

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Manoj Choudhary son of Late Bahadur Choudhary, resident of Village-
Mangobandar, Police Station Khaira, District Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

05/ 20-01-2017

Heard learned counsels for the petitioner and the

State. None appears for opposite party no. 2-informant.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323. 341. 369, 498A, 494 and 506/34 of the Indian Penal Code.

The basic accusation is of torture, performing second marriage and abducting the minor son of the informant.

It is submitted by learned counsel for the petitioner that since the informant has illicit relationship with some other person, hence, the petitioner has kept the son with him and now as per the instruction opposite party no. 2 has performed marriage with someone else.



Notices were issued to the opposite party no.2-
informant vide order dated 22.08.2016. The office note dated
28.11.2016 reflects that ordinary process of notice was received
by O.P. No. 2 but she refused to acknowledge the same. The
service report of registered cover notice reflects that it has also
been returned with report 'Not known'. In the circumstances,
the notice issued to O.P. Nos. 2 was treated to be deemed valid
service. Today also none is appearing on behalf of opposite
party no. 2.

Considering the fact that the informant chose
not to controvert the contention of the petitioner, let the above
named petitioner be released on anticipatory bail in the event of
his arrest or surrender before the learned court below within a
period of twelve weeks from today, 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, Jamui in connection with Jamui Mahila
P.S. Case No. 106 of 2015, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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