

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40354 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -JALALPUR District- SARAN

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Sunil Rai

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Jalalpur P.S. Case No. 11 of 2016 instituted for the offence under Sections-323, 307, 379, 498(A) of the Indian Penal Code and Sections-3 & 4 of D.P. Act.

From the complaint petition, it appears that there is general and omnibus allegation against the petitioner who is husband of the complainant/informant.

Notice was issued to opposite party No. 2 but in spite of valid service of notice, today no one appears on her behalf.

It has been submitted that petitioner has information that the victim girl has performed marriage with another person.

Be that as it may, it appears that the complainant even after valid service of notice did not appear in course of hearing of this petition.

In the impugned order, learned Sessions Judge has



mentioned that the petitioner had appeared and offered to keep the complainant/informant with him with full honour and dignity but the informant never appeared before the mediation centre for reconciliation.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Jalalpur P.S. Case No. 11 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra subject to condition as laid down u/S 438(2) of the 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 petitioners.

(Sanjay Priya, J)

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