

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28586 of 2016

Arising Out of PS.Case No. -16 Year- 2015 Thana -MAHILA District- MUNGER

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Raj Kumar Sah @ Raju Kumar Sah @ Raju Kumar Son of Mahendra Sah
Resident of Village of Indian Gas Godawn Gayatri Nagar, Jamalpur, P.S.-
Jamalpur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Daughter of Dhruv Lal Sah Resident of Pragiya Market,
Bariyapur,P.S. Bariyarpur, District Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 20-03-2017

Heard learned counsels for the petitioner and

Mr. J.N. Thakur for the State. None appears for opposite party
no. 2.

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

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and birth of three children. Out of which two children



are residing with the petitioner and one is residing with the informant. Prior to present case the petitioner has filed Complaint Case No. 113C of 2009 levelling accusation under Sections 147, 148, 149, 323, 341, 342, 379, 448 and 504/34 of the Indian Penal Code against the father of the informant and others. The petitioner has also filed Complaint Case No. 443C of 2015 on 19.05.2015 levelling accusation under Sections 323, 380, 504 of the Indian Penal Code against the informant and others. The informant has performed second marriage with one Dr. Ashish Kumar resident of village – Doghara, P.S. Medani Chowk, District – Lakhisarai and gave birth of a female baby from the second marriage as a result the petitioner has filed Complaint Case No. 148C of 2017 levelling accusation under Sections 494, 323, 307, 448, 504, 468 and 465 of the Indian Penal Code against the informant and others. The petitioner has also filed Matrimonial Suit No. 02 of 2009 with a prayer for divorce and thereafter the present case has been filed. In the circumstances, there is no likelihood of issue being reconciled.

It appears that the notices were issued to the informant vide order dated 13.07.2016. The office note dated 24.10.2016 reflects that the notices were validly served on opposite party no. 2 but none appeared on her behalf on either



on 21.12.2016 nor on 28.02.2017 nor today.

Considering the nature of accusation, the informant after valid service of notice chose not to appear to controvert the contention of the petitioner and the matrimonial suit and complaint case being filed by the petitioner at earlier point of time, 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 Additional Chief Judicial Magistrate-III, Munger in connection with Mahila P.S. Case No. 16 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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