

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23531 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -MAHILA P.S. District- PATNA

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Arun Kumar, Son of Suresh Ram, Resident of Village- Sandalpur Thekedar
Gali, P.S.- Bahadurpur, Dist.-Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Mahila P.S.Case No. 04 of 2017 registered for the offences punishable under Sections 498A, 323, 379, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Case is under Section 498A IPC and allegation is of cruelty and torture by the petitioner.

It has been submitted on behalf of the petitioner that from perusal of the impugned order it appears that a divorce petition has been filed by the petitioner in the Family Court and despite service of notice she did not appear and court has ordered for ex parte proceeding against her and, such, no purpose will be served in keeping the petitioner behind bars and he is in custody



for five months.

Heard learned APP and learned counsel for the informant also. Learned counsel for the informant submits that she is ready to live with the petitioner.

In view of the fact that divorce petition has already been filed by the petitioner and petitioner is in custody for five months, learned trial court is directed to expedite the trial and try to conclude it within six months and learned counsel for the informant also undertakes that he will produce the witnesses in court on the date fixed.

The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Mahila P.S.Case No. 04 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of



trial and make himself available on each date and on the event of failure on his part to appear before the court below without permission of the trial court, his bail bond shall be cancelled by the court.

(Vinod Kumar Sinha, J)

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