

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7827 of 2017

Arising Out of PS.Case No. -144 Year- 2000 Thana -PHULWARIA District- GOPALGANJ

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1. Shiv Shankar Mahto son of Jiwat Mahto
2. Nirmala Devi wife of Shiv Shankar Mahto,
Both resident of village- Babu Bishunpur, P.S.- Jadopur, District-
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sri Chaubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 19-06-2017 Heard learned Counsel for the petitioner sand
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Trial No. 806 of 2016 arising out of Fulwaria Police Station Case No. 144 of 2000, G.R. No. 245 of 2000, disclosing offences under Sections 498(A), 406, 494, 120(B) of the Indian Penal Code and Section 3/4 of D.P. Act.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against the petitioners and no specific overt act is attributed to them. In fact, the informant herself has discarded the conjugal life with petitioner no.1 and has performed second marriage with one Birbal Mahto and they have been blessed with two children also.



Statement to that effect has been made in paragraph-6 of the application. Moreover, this fact has been supported by the report of notice, which is at flag 'B' to this application. No case under Section 498(A) of the I.P.C. is made out against the petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Trial No. 806 of 2016 arising out of Fulwaria P.S. Case No. 144 of 2000, G.R. No. 245 of 2000, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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