

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10209 of 2017

Arising Out of PS.Case No. -170 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Sanjit Kumar, Son of Brahamdeo Prasad, resident of Village- Benar, P.S.
Sare, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khusbu Kumari, Wife of Sanjit Kumar, Daughter of Sriram Kundal
Mahto, resident of Onda, P.S.- Sare, Distrct- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjit Kumar Mr. Gagan Deo Yadav Mr. Vinod Kumar, Advocates
For the Opposite Party/s	:	Mr. Sri Umanath Mishra, APP
For Opp.Party No. 2	:	Mr. Nawal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-03-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 170 of 2016 lodged for the offences punishable under Sections 498(A) and 376/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the Opposite Party No. 2, wife is not ready to live with him and she is indulged in adultery with other person and as such the petitioner has filed Divorce Case 310 of 2016 dated 20.10.2016 before the Court of the Principal Judge, Family Court, Nalanda and thereafter the present case has been lodged by the opposite



party No. 2 making all such type of allegations but, as a matter of fact, it is the opposite party no. 2 who is living in adultery.

Heard learned APP as well as learned counsel for the Opposite Party No. 2 also.

Learned counsel for the Opposite Party No. 2 has opposed the prayer for anticipatory bail stating that the opposite party No. 2 has no knowledge about filing of the divorce case and as there was demand of dowry and torture, she has filed the case against the petitioner.

Having heard both sides and in view of the fact that earlier to filing of the criminal case the petitioner has filed divorce case, let the petitioner, above named, surrender in the court below within a period of two weeks from the date of receipt/production of a copy of this order and on his surrender the court below will released the petitioner 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 Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif, in connection with Mahila P.S. Case No. 170 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C. and that both the bailors should be local persons having sufficient property within the jurisdiction of the Court and the petitioner shall co-operate in the investigation of the



case and assist the Investigating Officer in all possible way and appear before the police as and when required and non-compliance of the aforesaid direction will entail cancellation of the bail bonds of the petitioner.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

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