

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15410 of 2017

Arising Out of PS.Case No. -50 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Umesh Singh @ Umesh Choudhary, son of Late Shyam Narayan Choudhary, resident of village Pakarihar, P.S. Mohania, P.O. Mutahni, District Kaimur (Bhabhua). Petitioner.

Versus

1. The State of Bihar.
 2. Sarita Devi, wife of Shri Umesh Singh @ Umesh Choudhary, resident of village Pakarihar, P.S. Mohania, P.O. Mutahni, District Kaimur (Bhabhua). Opposite Parties.
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Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate.

For the Opposite Party : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 22-06-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is the husband and apprehends his arrest in Mohania P.S. Case No.50 of 2017 (G.R. No.248 of 2017) instituted for the alleged offence under Sections 498 A, 341, 323, 379 and 504/34 of the Indian Penal Code.

It is alleged by the informant that when she visited her matrimonial house on the death of her mother-in-law, the petitioner along with his family members assaulted her and snatched her ornaments.

It has been submitted by learned counsel for the petitioner that the informant (wife) had earlier also filed a Complaint Case No.77 of 2012 under Section 498 A and other



allied sections of the Indian Penal Code. In that case, the matter was referred to Mediation Centre with consent of parties, but the Mediation failed. The petitioner has filed a divorce petition against the complainant and the complainant has also filed another case under the Domestic Violence Act against the petitioner. The relationship between the parties has become bitter and there is no scope of reconciliation between the parties. It is further submitted by learned counsel for the petitioner that in another case this Court has fixed payment of maintenance and the petitioner has been paying the same to the complainant regularly. Another co-accused persons have been granted bail by a coordinate Bench of this Court vide Cr. Misc. No.14942 of 2017 by order dated 07.04.2017.

Considering the facts aforesaid and the nature of allegation as made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000.00 (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhu (Kaimur) in Mohania P.S. Case No.50 of 2017 (G.R. No.248 of 2017),



subject to the conditions as laid down in Section-438(2) of the Criminal Procedure Code.

(Prakash Chandra Jaiswal, J.)

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