

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4718 of 2017

Arising Out of PS.Case No. -134 Year- 2016 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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1. Munna Sah, son of Shri Gulteni Sah, resident of village-Danial Parsauna,
Police Station-Sathi, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Samtola Devi, daughter of Manohar Sah, wife of Munna Sah, resident of
village + P.O. Danial Parsauna, Police Station-Sathi, District-West
Champaran, at present resident of village-Musahari, P.O.- Dharampur,
Police Station- Sathi, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.N. Mishra

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-04-2017 Heard the parties.

The petitioner is apprehending his arrest in connection
with Sathi P.S.Case No.134 of 2016 registered for offences
punishable under Sections 341, 323, 498A, 506 and 34 of the
Indian Penal Code.

The allegation against the petitioner is under Section
498A of the Indian Penal Code about cruelty and subjecting her
to harassment. The petitioner is husband of O.P.No.2.

It is submitted on behalf of the petitioner that prior to
lodging of this case, the petitioner had filed a Divorce Case and
thereafter the present case has been lodged with false and
concocted allegation and even the learned court below has issued
notice to the Opposite Party No.2 for settlement between the
parties but she could not appear and also when the matter was



sent to the Mediation Board, she had not come for settlement, which shows that this case has been filed only for harassment of the petitioner.

Heard learned A.P.P. also.

No one appears on behalf of Opposite Party No.2.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri N.P.Singh, J.M.-Ist Class Bettiah, District- West Champaran in connection with Sathi P.S.Case No.134 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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