

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7400 of 2017

Arising Out of PS.Case No. -1327 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

=====

1. Balendra Mahto, son of Kedar Mahto, resident of Village- Rampur Asli,
P.S.- Sahebganj, Dist- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rajpati Devi, wife of Balendra Mahto, of Village Rampur Asli,
P.S.- Sahebganj, District- Muzaffarpur, at present Village- Madhopur,
Dharfari, P.S.- Dewariya, District- Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 01-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1327 of 2010 instituted for the offence under Section(s)
498-A, 323, 341, 307, 494, 504 Indian Penal Code and Section 3/4
of the Dowry Prohibition Act.

Petitioner is husband of the complainant. Notice
was validly served on the complainant-Opposite Party No.2, but
none appears on her behalf.

It has been submitted on behalf of the petitioner that
he is suffering from Hepatitis B on account of which the
complainant does not want to live with her. In this respect, a
report was called for by the Court below from the police, which
is annexed as Anenxure-2, wherein, it has been mentioned that



the petitioner is suffering from Hepatitis B and thereafter the complainant is avoiding to live with the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.1327 of 2010/ Tr. No.1800 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, West, Muzaffarpur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

