IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48303 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Musai Bind, Son of Ram Janam Bind, Resident of Village- Baluapur, P.S.- Chainpur, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Parwati Devi, W/o Musai Bind, D/o Village- Akhlashpur Marai, P.S.- Bhabua, Dist- Kaimur.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Nandan Sahay, Adv.
For the State : Mr. Kanhaiya Kishora, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Chainpur P.S. Case No. 103 of 2017 instituted for the offence under Sections-341, 323, 498(A)/34 of the Indian Penal Code.

Counsel for the petitioner has submitted that petitioner is husband of the informant. He has filed a Matrimonial Suit u/S 9 of Hindu Marriage Act for restitution of Conjugal right, in which notice was issued but she did not appear and ultimately, the suit was decreed in favour of petitioner by order dated 09-10-2014. The opposite party No. 2 never complied with the order of learned Principal Judge, Family Court. The notice to informant was issued from this court on 11-10-2017 which was validly served upon her but still the informant (opposite party No. 2) did not appear.

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In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Chainpur P.S. Case No. 103 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, Kaimur at Bhabua subject to condition as laid down u/S 438(2) of the 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)

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