

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5643 of 2018

Arising Out of PS.Case No. -286 Year- 2017 Thana -CHAUSA District- MADHEPURA

- =====
1. Vikas Mistri son of Bhotal Mistri
 2. Khushbu Kumari, wife of Vikas Mistri

Both resident of Kalasan, Police Station- Chausa, District-
Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the State : Mr. Anil Kumar Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Chausa P.S. Case No.286 of 2017 registered under Sections 341,
323, 498A, 494 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that since the petitioner no.1 Vikas Mistri has already been
arrested during the pendency of the present application, this
application has become infructuous so far as petitioner no.1 is
concerned.



In that view of the matter, the application filed under Section 438 of the Code of Criminal Procedure so far as petitioner no.1 is concerned is dismissed as infructuous.

It is submitted by the learned counsel for the petitioners that even on admitted facts, as alleged in the first information report, the petitioner no.2 cannot be treated to be the relative or husband of the informant. It is further submitted that since there is no legal divorce till date, she cannot be deemed to be a wife of the husband of the informant. It is contended that even otherwise there is no truth behind the allegation made in the FIR.

On the other hand, learned counsel for the State submitted that the petitioner no.2 is the real culprit and it was because of her, the husband of the informant subjected the informant to cruelty in various ways.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner no.2 is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj (Madhepura) in connection with Chausa P.S. Case No.286 of 2017, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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