

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4451 of 2018

Arising Out of PS.Case No. -1003 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Nirmal Jaiswal @ Nirmal Kumar Jaiswal S/o Late Daulat Bhagat, R/o
Village- Sheonarayanpur, P.S.- Shionarayanpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manorma Devi W/o Nirmal Jaiswal @ Nirmal Kumar Jaiswal, R/o
Village- Sheonarayanpur, P.S.- Sheonarayanpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1003 of 2014 registered for the offence punishable under Sections 323, 341, 337, 504 and 406 of the Indian Penal Code. However, the learned Magistrate has taken cognizance only under Section 498A of the Indian Penal Code.

The case of the complainant is that the petitioner herein, who is her husband, used to harass her in a drunken condition and forced her into prostitution. It is further alleged that he had also withdrawn a sum of Rs. 66,000/- from the account of



the complainant.

The learned counsel for the petitioner submits that the petitioner is about 60 years old and the marriage is more than 35 years and there is no question of the petitioner harassing the complainant. It is further submitted that the fact is that the petitioner has been ousted from his own house and the present case has been filed in retaliation of a case filed by the petitioner herein against the complainant.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint Case No. 1003 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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