

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31501 of 2018

Arising Out of PS.Case No. -440 Year- 2017 Thana -RUPASPUR District- PATNA

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1. Sudhir Kumar S/o Sri Radheyshyam Rai, R/o Vill.- Upri Ramgarh, P.S.- Ramgarh, District- Kaimur A/P Taiyapar Gola Road, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dolly Kumari W/o Sudhir Kumar, D/o Narendra Singh, R/o Vill.- Kali Mandir Road, Baily Road, P.S.- Rupaspur, District- Patna, Pin Code- 801503.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma

For the Opposite Party/s : Mr. Anil Kumar

For the Informant : Mr. Binay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-09-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Rupaspur P.S.Case no.440 of 2017 dated 27.11.2017 , registered for offences punishable under Sections 498(A)/341/323/504 of the Indian Penal Code and Section 3 /4 of the D.P. Act.

Allegation against the petitioner is of demand of I-20 Car and for that he physically assaulted in various ways.

Submission of the learned counsel for the petitioner is that she had left the house on her own and thereafter she filed Matrimonial Case No.717 of 2017 for restitution of the conjugal rights under Section 9 of the Hindu Marriage Act in the court of the Principal Judge, Family Court, Patna and that shows intention



of the petitioner.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that he has candidly admitted that there is no injury on the informant. .

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 from the date of order 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 the learned ACJM-II, Danapur, Patna in connection with Rupaspur P.S.Case no.440 of 2017 subject to condition 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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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