

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41663 of 2017

Arising Out of PS.Case No. -3159 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ashwani Kumar Pathak @ Ashwini Kumar Pathak Son of Nand Kumar Pathak Resident of Mohalla- Dhanawa, Police Station- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Pathak Wife of Ashwani Kumar Pathak @ Ashwini Kumar Pathak, Daughter of Bishundeo Pathak Resident of Village- Dhanua, Police Station Bodh Gaya, at Present residing of Mohalla- Electricity Board Colony, 2011F, Hudco, Rajbanshi Nagar, P.S. Shastri Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Adv.

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

10 11-07-2018

Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 3159 (c) of 2012, disclosing offences
under Sections 498(A) of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
there is general and omnibus allegation against this petitioner
and no specific overt act is attributed to him. In fact, the
petitioner filed Matrimonial Suit being M.T.S. No. 159 of 2007
for restitution of conjugal rights and the same had been decreed
in his favour but the complainant filed the complaint against the



petitioner instead of complying the decree. Though the petitioner is ready to keep his complainant as wife with full honour and dignity, the complainant herself does not want to reside with the petitioner. Hence, the petitioner, who is of clean antecedent, deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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, Patna, in connection with Complaint Case No. 3159(c) of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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