

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22271 of 2018

Arising Out of PS.Case No. -1633 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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Anita Devi @ Kaushalaya Devi, wife of Umesh Poddar, resident of village-Katiyama, P.S. Rajoun, District-Banka.

.... Petitioner/s

Versus

1. State of Bihar
2. Umesh Poddar son of Late Mukti Poddar, resident of village-Katiyama, P.O.-Kathrang, P.S.-Rajoun, District- Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the State : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Complaint Case No.1633 of 2015 registered under Sections 363, 366, 494, 496 and 497 of the Indian Penal Code (for short ‘the IPC’).

It is submitted by the learned counsel for the petitioner that the present case has been lodged in retaliation to Complaint Case No.1712 of 2017 filed by the petitioner against her husband, who is complainant in the present case for subjecting her to cruelty in which cognizance has already been taken for the offence punishable under Section 498A of the IPC. It is further submitted



that even on admitted facts none of the ingredients of Sections 363, 366, 494, 496 and 497 of the IPC would be attracted against the petitioner and, thus, summoning order itself is bad in law.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the complainant has alleged in the complaint that the petitioner being his legally wedded wife married another man, namely, Dilip Paswan and is living together with him.

Be that as it may, considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner 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 Chief Judicial Magistrate, Banka in connection with Complaint Case No.1633 of 2015, 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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