

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37508 of 2018

Arising Out of PS.Case No. -551 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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Ashutosh Anand, S/o Sri Anil Kumar Mallick, Resident of Village- Jagatpur, P.S. /District- Supaul, presently residing at Kayastha Tola, Village- Sanhauli, P.S.- Chitragupta Nagar, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar
2. Phul Kumari, daughter of Kari Sah, resident of village Mansi, Gharar, P.S. Khagaria (Muffasil), District Khagaria

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-09-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Khagaria (Muffasil) P.S.Case No. 551 of 2015 registered for the offences punishable under Sections 366A and 376 of the Indian Penal Code.

Allegation as per FIR is that petitioner married with the informant and they have one daughter also but in spite of that he is not keeping his wife with him.

Submission of learned counsel for the petitioner is that according to FIR no case either under Section 366A or 376 IPC is made out against the petitioner and informant has filed a petition under Section 9 of Hindu Marriage Act for restitution of conjugal



life and also for maintenance.

Heard learned APP and learned counsel for opposite party No.2.

Having heard both sides and in the facts and circumstances, let the petitioner, named above, surrender within a period of six weeks and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S.Case No. 551 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further condition is that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned and petitioner has to appear in the court below on the petition under Section 9 of Hindu Marriage Act filed by opposite party No.2, otherwise his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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