

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11895 of 2018

Arising Out of PS.Case No. -906 Year- 2017 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Amrit Sah, son of Late Chhedi Sah.
2. Renu Devi, wife of Amrit Sah.
3. Ishwar Raj @ Bholu, son of Amrit Sah. All Residents of Village-
Kamtaul, Police Station- Kamtaul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandeshwar Prasad, S/o Late Bishwanath Prasad, Resident of Mohalla-
Gidarganj, P.S.- Bahadurpur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party No.2: Mr. Rakesh Kumar

For the State : Mr. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in a case instituted
for the offences under Sections 417, 422, 406, 323 and 504 of
the Indian Penal Code.

As per petitioners, the marriage was solemnized with
Sandip Kumar alias Golu and later on it was transpired that
Sandip Kumar was suffering from HIV positive. Both are living
separately. It has been further stated that for treatment the
complainant has given Rs.2,27,000/- and whereafter has also
paid Rs.1,15,000/-.

Learned counsel for the petitioners submits that



petitioners have returned all articles which was given by opposite party no.2 and ultimately it was settled for Rs.1,15,000/- and out of that Rs.50,000/- has already been paid and he is ready to pay Rs.65,000/- in two equal installments within two months.

In view of the submission made by the petitioner, he is directed to pay the first installment within one month and second installment will be paid before the ends of second month.

In the meantime, in the event of arrest or surrender within four weeks from today, let petitioners, namely, Amrit Sah, Renu Devi and Ishwar Raj alias Bholu, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Complaint Case No.906 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioners would fail to liquidate the entire amount the provisional bail granted to the petitioners will be treated to have been cancelled. In the event of payment of entire amount, provisional bail will be treated to have been confirmed.



Accordingly this application is disposed of.

(Shivaji Pandey, J)

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