

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7853 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Chandra Bhushan Kumar, Son of Ashok Kumar @ Jhulan, Resident of Village
- Samardah, Police Station – Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi, D/o- Manoj Kumar, R/O - Afimikathi Manjhaua , P.S.- Ara
Town, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Akhileshwar Prasad Singh, Sr. Advocate Sri Bimal Kumar , Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the informant	:	Sri Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 05-04-2019 Heard Sri Akhileshwar Prasad Singh, learned senior
counsel, assisted by Sri Bimal Kumar, learned counsel for the
practitioner, Sri Upendra Kumar, learned Additional Public
Prosecutor as well as Sri Madanjeet Kumar, learned counsel
who has voluntarily appeared on behalf of the informant -
opposite party no. 2 / wife of petitioner.

The petitioner, apprehending his arrest in connection
with Mahila P.S. Case No. 69 of 2018 giving rise to G.R. No.
2154 of 2018 registered for the offence under Section 498
(A)/379/34 of the Indian Penal Code 1860 and Section 3/4 of the
Dowry Prohibition Act has prayed for grant of bail in the event
of his arrest or surrender.



It was submitted by learned senior counsel for the petitioner that in this case two other accused persons have been extended the privilege of anticipatory bail however it is admitted that petitioner is husband of the informant – opposite party no. 2.

Sri Madanjeet Kumar, learned counsel for the informant on instruction submits that wife – opposite party no. 2 (informant) is still ready to reside with the petitioner as his wife, provided she may not be administered any torture. Sri Singh, learned senior counsel agrees to such proposal.

Accordingly, with a view to settle the family dispute the court proposes to pass order for extending the privilege of anticipatory bail to the petitioner.

Accordingly in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Chandra Bhushan Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub – Divisional Judicial Magistrate, Ara, Bhojpur / concerned court in connection with Mahila P.S. Case No. 69 of 2018 giving rise to G.R. No. 2154 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal



Procedure, 1973 with clear indication that if in future the opposite party no. 2- wife is administered any torture she would be at liberty to approach this court by filing an affidavit indicating therein such fact. In that event, this court may recall this order.

With above condition the anticipatory bail petition stands allowed.

(Rakesh Kumar, J)

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