

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9588 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

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AVIJIT KUMAR THAKUR @ AVIJIT THAKUR S/o Ashutosh Thakur R/o
Ward No. 7, Village- Koari, P.O.- Bagahari, P.S.- Sursand, Distt- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalpana Kumari W/o Shri Abhijit Kumar Thakur @ Avijit Thakur D/o Late Rajeshwar Mishra At Present Residing at Village- and P.O.- Chaumukh, P.S.- Bochahan, Distt- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shantanu Kumar
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 498A/34 IPC and Sections 3 and 4 of the D.P. Act registered in connection with Bochahan P.S. Case No. 216/2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of earlier Matrimonial Case No. 268/2018 filed by the petitioner for restitution of conjugal rights, in which the OP No. 2 has appeared. However, the petitioner expresses his readiness to keep his wife, the OP No. 2, with due dignity and honour. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Muzaffarpur, in connection with Bochahan P.S. Case No. 216/2018, subject to the conditions as laid down under Section 438



(2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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