

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16488 of 2019

Arising Out of PS. Case No.-170 Year-2017 Thana- ISLAMPUR District- Nalanda

SHIVJEE KUMAR Son of Late Yadu Singh Resident of Village - Vrama, P.S.
Kako District Jahanabad, At present Address Mohalla Sipara Dih near Bhut
Bangla P.S. Beur District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari Daughter of Late Ram Bresh Singh Resident of Village -
Tetriya P.S. Islampur District Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 25-07-2019 This application, for grant of anticipatory bail, arises

out of Islampur P.S. Case No. 170/2017, disclosing offences

under Sections 313, 314, 498A, 376, 120B/34 of the Indian

Penal Code.

Allegation as per complaint petition on the basis of

which F.I.R has been instituted is that the petitioner is the

brother of the bhabhi of the informant and he committed rape on

the informant, thereafter, he married with the informant and

after that he started torturing and assaulting the informant for

demand of dowry.



Submission of learned counsel for the petitioner is that he is still ready to keep the opposite party no. 2 with himself with full honour and dignity and as the opposite party no. 2 has married with some other person, she does not want to live with the petitioner and due to which, in spite of valid service of notice, she has not appeared in this case.

Heard learned A.P.P. also.

From perusal of the record, it appears that in spite of notice validly served on opposite party no. 2, she has not appeared and no Vakalatnama has been filed on her behalf.

Considering the facts and circumstances, of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from the date of receipt/production of a copy of this order be released on bail be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Islampur, Nalanda, in connection with Islampur P.S. Case No. 170/2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is further subject to the condition that if opposite party no. 2 is ready to reside with the petitioner, the petitioner



has to keep her with full honour and dignity, failing which, the
opposite party no. 2 will be at liberty to move for cancellation of
his bail bonds.

(Vinod Kumar Sinha, J)

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