

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80443 of 2018

Arising Out of PS. Case No.-2712 Year-2014 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Tinku Ojha, son of Baliram Ojha, resident of Village – Kasap, P.S.
Udwanthnagar, Dist. Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. Madhu Devi, d/o Krishna Bihari Tiwari, resident of Mohalla- Anaith near Mathia PS- Ara Nawada, Dist. Bhojpur, w/o Tinku Ojha, village Kasap, P.S. Udwanthnagar, Dist. Bhojpur

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey
For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 15-07-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 2712(C) of 2014, Trial No. 4333 of 2014, instituted for the offence punishable under Section 498A of the Indian Penal Code.

Allegation as per complaint petition is that petitioner, who happens to be husband of the complainant, demanded one gold chain and for that he assaulted her. Thereafter she was brought to her Maik and at that time her ornaments were also snatched.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her but she is not ready to reside with him and she has filed a divorce case being Divorce Case No. 373 of 2016 under Section 13 of Hindu Marriage Act, which he has stated in paragraph-8 of the petition on oath.



It appears that in this case notice was issued to opposite party No.2 and service report disclosed that she has received the notice personally but refused to give receipt. Today none appears for the opposite party No.2.

Heard learned APP also.

In view of above facts and circumstances, let petitioner, in the event of arrest or surrender before the court below within a period of six weeks from the receipt of this order, 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 Sub-Divisional Judicial Magistrate, Bhojpur at Ara, in connection with Complaint Case No. 2712(C) of 2014, corresponding to Trial No. 4333 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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