

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79717 of 2018

Arising Out of PS. Case No.-528 Year-2018 Thana- ARA NAGAR District-
Bhojpur

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Shambhu Sharan Prasad Son of Ramjee Prasad, Resident of Waliganj, P.S.-
Ara Town, District - Bhojpur

... .. Petitioner

Versus

1. State Of Bihar
2. Basanti Devi Wife of Shambhu Sharan Prasad Resident Mohalla -
Waliganj, P.S.- Ara Town, District- Bhojpur, at present Residing at Village-
Dawan, P.S.- Jagdishpur, District - Bhojpur

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sudha Chandra, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 498(A) of the Indian Penal Code registered
in connection with Ara Town P.S. Case No. 528 of 2018 arising out
of Complaint Case No. 1248 (C) of 2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact the petitioner has already filed
Matrimonial Case No. 366 of 2017 for restitution of conjugal
rights on 13.10.2017 but rather than cooperating in the same,
she has filed the present complaint/F.I.R. almost a year later. It is
therefore evident that it is the opposite party no. 2 who does not
wish to reside with the petitioner, who claims clean antecedents.

4. Be that as it may, having regard to the entirety of
the facts and circumstances of the case, 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P.S. Case No. 528 of 2018 arising out of Complaint Case No. 1248 (C) of 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) The petitioner shall cooperate 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)

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