

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22296 of 2019

Arising Out of PS. Case No.-475 Year-2015 Thana- COMPLAINT CASE District- Supaul

Somdev Mukhiya, S/o Mahendra Mukhiya, Resident of Village- Sitapur
Narhi, P.S.- Birpur, Dist.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi, Wife of Somdev Mukhiya, R/o Vill.- Sitapur, Narhi, Post-
Sitapur, P.S.- Birpur, Dist.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-06-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No.475 of 2015, disclosing
offence under Section 498A of the Indian Penal Code.

Allegation against the petitioner is of subjecting to his
wife with cruelty for demand of Rs.1,00,000/- (one lakh) and
also married again.

Submission of the learned counsel for the petitioner is
that earlier a complaint case filed by the opposite party no.2 was
dropped twice and again this case has been reopened. He has
already filed a divorce case on the ground of physical
abnormality which appears from paragraph 8 of the affidavit,
which is still pending. It has further been submitted that earlier



proceedings which were dropped has been set aside in the revisional jurisdiction and are still pending.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for bail by stating that any physical abnormality in her body, does not allow the petitioner to divorce the opposite party no.2 and apart from that even no maintenance amount has been given to her up till now, though the petitioner has appeared in the maintenance case.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below 05.07.2019 and the learned court below be released him on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M, Birpur, District Supaul, in connection with Complaint Case No.475 of 2015, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with further condition that he is to appear in the Maintenance Case no. 02 of 2017 pending before the Family Court, Supaul within a period of two weeks and he will file a certificate before the learned trial court of appearance and considering the same, the learned trial court



shall released the petitioner on bail on its own satisfaction,
subject to the condition that he will co-operate in disposal of
maintenance case.

(Vinod Kumar Sinha, J)

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