

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27173 of 2019**

Arising Out of PS. Case No.-1179 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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TARAK NATH @BABLU @ TARAK NATH KUMBHAKAR Son of  
Mastan Kumbhakar R/o Village- Gawala Patti, Barakar, P.S.- Hulti, (Kulti),  
District- Vardwan (West Bangal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binda Kumari Daughter of Paras Pandit R/o Ddarmandi, Naya Tola, P.S.-  
Alamganj, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha  
For the Opposite Party/s : Mr.Rana Randhir Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

6      13-09-2019                      Petitioner seeks bail in anticipation of his arrest in  
  
connection with Complaint Case No. 1179(C) of 2018 in which  
  
cognizance has been taken under Sections 498A and 323 of the  
  
Indian Penal Code.

Allegation against the petitioner is of demanding of  
Rs.1 lac and for non-fulfilment of that subjecting the  
complainant to torture and also there is allegation that he tried to  
kill her by setting her on fire.

Submission of learned counsel for the petitioner is  
that the whole allegation is false and concocted and he is still  
ready to keep her with dignity and care for that purpose he filed  
a Matrimonial Suit No. 34 of 2018 in the court of District Judge,



Asansol for restitution of conjugal rights but she is not appearing in that case and in this case also she has not appeared in spite of the fact that notice has been received by brother of opposite party No.2.

Heard learned APP and perused the record, from which it appears that notice was issued to opposite party No.2 and brother of opposite party No.2 has received the notice but in spite of that she has not appeared nor any Vakalatnama has been filed on her behalf.

In view of above facts and circumstances, let petitioner surrender in the court below within a period of two weeks from the receipt of this order and on surrender he shall 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 Smt. Sushmita Kumari, Judicial Magistrate, 1<sup>st</sup> Class, Patna City, Patna, in connection with Complaint Case No. 1179(C) of 2018, 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 immovable property within the jurisdiction of the court concerned and further condition is that if opposite party No.2 wants to reside with the petitioner, he has



to keep her with dignity and care with him, otherwise she is at liberty to file an application before the court below for cancellation of his bail bonds.

**(Vinod Kumar Sinha, J)**

spal/-

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