

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34606 of 2019

Arising Out of PS. Case No.-375 Year-2017 Thana- BAHERA District- Darbhanga

MD. KAPIL SAH @ KAPHIL SAH @ MD. KAPHIL Son of Ayub Saha
Resident of Village- Kothabana, Police Station- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1.The State of Bihar
2. Najmun Khatoon, wife of Jainul Saha, R/O village-Krahore Benipur, P.S.
Bahera, District Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 26-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bahera P.S.Case No. 375 of 2017, corresponding to G.R. No. 419 of 2017, disclosing offences under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

By order dated 17.08.2019, the petitioner and the opposite party no.2 were directed to be personally present. Though the petitioner is present, opposite party no.2 has not turned up.

Learned counsel for the opposite party no.2 has submitted that because of her illness, she could not come to this Court.



It is evident from the material on record that the matrimonial discord between the petitioner and opposite party no.2 is the reason behind lodging of the FIR.

Considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned ACJM, Benipur, Darbhanga in connection with Bahera P.S. Case No. 375 of 2017, corresponding to G.R. No. 419 of 2017, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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