

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38680 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- MAHILA P.S. District- Bhojpur

AVINASH KUMAR RAM Son of Kamlesh Kumar Ram Resident of Village - Bahari, P.O.- Balbandh, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Amrita Devi Daughter of Munna Ram R/o Muzaffarpur, P.O. Baruhi, P.S.- Sahar, Distt.- Bhojpur. At Persent - Bardhman, Laxmipur Math Katta, Pukhur Ward No. - 1, West Bengal, P.Code - 713101

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 354, 379, 494, 34, 498(A) of the Indian Penal Code and Section 3 and 4 of the D.P Act registered in connection with Mahila P.S. Case No. 20 of 2019.

3. It is submitted that the petitioner has been falsely implicated and in any event the petitioner expresses his readiness to keep the OP No. 2 with due dignity and honour, but she does not want to live with the petitioner. The petitioner was taking the OP No. 2 to Siliguri, where he is posted, but she disappeared at the Danapur junction itself. The matter was sent for mediation which however, failed as the informant was not ready to live with the petitioner.

4. Learned counsel for the OP No. 2 appears and has been heard. It is submitted that the petitioner has solemnized second marriage but, however no counter affidavit has been filed containing any details in this regard.



5. Be that as it may, 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 CJM, Bhojpur at Ara, in connection with Mahila P.S. Case No. 20 of 2019, 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. That the petitioner shall co-operate 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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