

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39412 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA P.S. District- Patna

AMRITANSHU KUMAR S/o Nitya Nand Sharma R/o village- Uchita, P.S.-
Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Kumari W/o Amritanshu Kumar, D/o Subhash Chandra R/o village-
Suryagadha, P.S.- Dhanaura, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 21-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 498(A)/34 of the Indian Penal Code and Section 3 and 4 of the D.P.Act registered in connection with Mahila P.S. Case No. 22 of 2019.

3. It is submitted that the petitioner, husband of the informant, has been falsely implicated an the FIR has been instituted in retaliation to the petitioner's Divorce Case No. 139/2018 filed on 20.09.2018, whereafter the present case has been lodged on 10.03.2019. It is submitted that the petitioner still expresses his readiness to keep the informant if she agrees to live peacefully and properly with him, but it is the informant who is not interested in restoring harmonious matrimonial life with the petitioner. The petitioner claims clean antecedents.

4. Notice was issued to the opposite party no. 2, which was treated as validly served in view of her refusal to receive the same. The opposite party no. 2 has neither entered appearance nor she is



represented when the matter is called today.

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 Sri Priya Shekhar, learned J.M. Ist Class, Patna, in connection with Mahila P.S. Case No. 22 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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