

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63822 of 2018

Arising Out of PS. Case No.-263 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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Moti Lal Turiya, Son of Ram Bilas Turiya, resident of Village Bandha, P.S. Adhaura, District- Kaimur.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Lakshmina Devi, W/o Moti Lal Turiya, R/o Village - Bandha, P.S. Adhaura, District - Kaimur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Jai Vardhan Narayan, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 21-02-2019 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 and 498(A) of the Indian Penal Code registered in connection with Complaint Case No. 263 of 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event, the petitioner expresses his readiness to keep the opposite party no. 2 with due dignity and honour. It is the opposite party no. 2, who, however, is resisting the company of the petitioner and does not wish to reside with him. There is no injury report to corroborate the accusation of assault, the allegation of which in any event is general and omnibus. The petitioner claims clean antecedents.

4. Notice issued to the opposite party no. 2 was refused to accept and none is present on her behalf when the matter is called.

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 Additional Chief Judicial Magistrate-V, Kaimur at Bhabhua in connection with Complaint Case No. 263 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with 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 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.

BT/Chandran

(Vikash Jain, J)

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