

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63383 of 2018

Arising Out of PS. Case No.-1514 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Jay Kishan Saha Son of Rajendra Kumar Saha Resident of Ward No.5, Infront
of M.P.C. College,Badabazar,Baripada, P.S. Baripada Town Distt.-
Mayurbhanj,Odisha

... .. Petitioner/s

Versus

1. State Of Bihar
2. Arivnd Mahajan Son of Late Bhupendra Nath Mahajan Resident of Mohalla
Khairat Ahmad Road, Murarpur,P.S. Kotwali, Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad
For the Opposite Party/s : Mr.Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-04-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 1514/2017, disclosing offences

under Sections 498A of the Indian Penal Code.

Petitioner happens to be husband of the complainant

and allegation against him is of subjecting the complainant to

mental as well as physical cruelty and also putting pressure on

her to resign from her job.

Submission of learned counsel for the petitioner is

that a divorce case is pending between the parties and before

Sessions Judge, complainant had appeared and had made certain

remarks including the remark that petitioner is medically unfit

and he is totally in control of his mother, who is influenced by a



Tantrik. As such, it is not possible for the petitioner to live with the complainant.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for complainant opposed the prayer for bail and submitted that complainant is being tortured and harassed continuously by the petitioner and was forced to resign from the job and so far remarks made by the complainant is concerned, the counter allegation as the petitioner has also submitted before the court below that complainant is biologically deficient.

Having heard both sides, it appears that both the parties are educated persons and complainant is working in the TCS and earlier the petitioner was also working in the said firm and further there is allegation and counter allegation from both sides, as such, it seems very difficult to revive the harmonious matrimonial life of the parties. In such view of the matter, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Complaint Case No. 1514/2017, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is further subject to the condition that petitioner shall cooperate in disposal of trial and appear before the court as and when required, otherwise, the complainant will be at liberty to move for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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