

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65670 of 2018

Arising Out of PS. Case No.-1113 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Nandan Prasad S/o Nathuni Prasad @ Nathuni Prasad Lahera, R/o Village-
Pureni Gudari, Naya Bazar, Ward No. 3, P.S.- Bettiah Town, District - West
Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Madhuri Devi, W/o Nandan Prasad, D/o Vinod Sah, R/o Village- Pureni
Gudari, Ward No. 2, P.S.- Bettiah Town, District - West Champaran. At
present R/o Village- Mathauda, P.S.- Sathi, Dist- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	APP
For Opposite Party No. 2:	:	Mr. Umesh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 15-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 498A of the Indian Penal Code registered in
connection with SC No. 1355 of 2018 arising out of Complaint Case
No. 1113 of 2017.

3. It is submitted that the petitioner, who is the husband of
the complainant, has been falsely implicated and as a matter of fact,
the petitioner himself has filed a petition for restitution of conjugal
rights in Matrimonial Case No. 58 of 2017 on 06.02.2017 prior to the
present complaint filed on 19.06.2017. The petitioner reiterates his
willingness to keep opposite party no. 2 with due dignity and honour.
The petitioner claims clean antecedents.

4. Learned counsel for the opposite party no. 2 appears and
has been heard. No clear cut stand has been taken on her behalf nor it



is made clear whether she has appeared in the aforesaid restitution case.

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 Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with SC No. 1355 of 2018 arising out of Complaint Case No. 1113 of 2017, 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.

(iv) That the petitioner shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

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