

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46102 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- RUDRAPUR District- Madhubani

GANESH CHANDRA JHA S/o Shailendra Jha. R/o village- Harari, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned
APP for the State, assisted by learned counsel for the opposite
party No2.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 498(A)/34 of the Indian
Penal Code.

Petitioner filed a case for divorce against his wife,
who is opposite party No.2 in this case. The divorce case was
filed on 07.05.2018 in the court of learned Principal Judge,
Family Court, Madhubani, vide Matrimonial Case No.101 of
2018. The notice of the matrimonial suit was served on opposite
party No.2 on 20.06.2018. Thereafter, opposite party No.2 filed
the present case, vide Rudrapur Police Station Case No.57 of
2018 under Sections 498(A)/34 of the Indian Penal Code on
02.07.2018.



Submission of learned counsel for the petitioner is that petitioner is in custody since 11.06.2019. Petitioner has already filed a case for divorce. Hence, there is no scope for settlement of dispute at the ends of the petitioner.

Learned counsel for the opposite party No.2 submits that the petitioner had approached this Court for anticipatory bail in Criminal Miscellaneous No.69595 of 2018. The petitioner was allowed provisional anticipatory bail, as the petitioner had submitted that he would take steps for settlement of dispute with his wife and would take her along with him. Petitioner did not comply the undertaking. Hence, prayer for anticipatory bail was finally refused, vide order dated 14.05.2019 passed in the aforesaid criminal miscellaneous. Thereafter, petitioner is in custody after surrender in this case.

Considering the facts aforesaid and undertaking of the petitioner to co-operate with the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Rudrapur Police Station Case No.57 of 2018, subject to condition that both the bailors shall be resident of the territorial jurisdiction of the



learned court below and the petitioner shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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