

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50667 of 2019

Arising Out of PS. Case No.-1354 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DEEPAK KUMAR S/o Laxmi Sharma @ Laxmi Prasad Vishwakarma R/O
Village- Pankaj Chowk, Koiriya Tola, PS.- Raxaul, Distt. East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Devi W/O- Deepak Kumar, D/o Ram Ekbal Sharma R/O village-
Pankaj Chowk, Koiriya Tola, PS.- Raxaul, Distt. East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Rashmi

For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in complaint case no. 1354
of 2015, instituted for the offence under Section(s) 498A of
the Indian Penal Code and Section 3/4 of D.P. Act.

Learned counsel for petitioner submits that petitioner
was earlier granted provisional anticipatory bail by co-ordinate
Bench of this Court by order dated 9.8.2016 passed in Cr.
Misc. no. 33817 of 2016. This Court has mentioned in the
aforesaid order that provisional bail of the petitioner will be
confirmed by the Court below in three eventualities (i) on
substantial restoration of the matrimonial harmony; (ii) or if the



complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

Learned counsel for petitioner submits that he has tried his best to restore the conjugal relationship with the complainant but, the complainant was not ready to live with the petitioner. Learned counsel further submits that bail bond of the petitioner was cancelled on 18.6.2018 overlooking the fact that petitioner has not violated any condition of this Court's order. Petitioner has filed Cr. Misc no. 72414 of 2018 before this Court for quashing the order dated 18.6.2018 which was also dismissed as withdrawn on 11.6.2019. In the mean time the petitioner has been arrested by the police and remanded to judicial custody on 2.6.2019 and since then he is in custody.

Petitioner is in custody since 2.6.2019.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, East Champaran, Motihari in connection with complaint case no. 1354 of 2015, subject to the following conditions:-

(i) Both the bailors shall be the close relative of the petitioner.



(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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