

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54365 of 2019

Arising Out of PS. Case No.-204 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

KANHAIYA LAL MATHURI @ KANHAIYA JEE Son of Laxmi Prasad
Mathuri Resident of Village-Goshala Road, Purani Bazar, Jhajha, P.S.-Jhajha,
District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi Wife of Kanhaiya Lal Mathuri @ Kanhaiya Jee Resident of
Village-Goshala Road, Purani Bazar, Jhajha, P.S.-Jhajha, District-Jamui and
Daughter of Nageshwar Prasad, Village-Bharaithi, P.S-Wazirganj, District-
Gaya. At present residing with Vicky Kumar Mathuri, Son of Late Vijay
Kumar Mathuri, resident of Village-Kahabatpur, P.S.-Sono, District-Jamui.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arjun Pd. Keshri
For the Opposite Party/s : Mr.Ashraf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-12-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Complaint Case
no. 204/2014 in which cognizance has been taken under sections
498A, 323, 379, 494 of the IPC and 4 of the D.P. Act.

Referring to the order dated 10.07.2019 of the learned
Sessions Judge, Gaya rejecting application for anticipatory bail
of the petitioner, it is submitted that the learned court below has
taken note of the fact that the complainant has left her
attendance as well as interest in her complaint case. She even



did not appear pursuant to notice having been issued.

In the instant proceedings also in spite of notice having been issued and being valid service upon her, complainant/ opposite party no.2 has not appeared.

Referring to Annexure 3, it is submitted that even her application under section 125 Cr.P.C was rejected due to the fact that she was not prosecuting the same.

It is submitted that opposite party no.2 has already solemnized her marriage with another person namely, Vicky Kumar Mathuri. Allegations made in the instant case are false and on extraneous consideration.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Gaya in Complaint Case no. 204/2014 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

U		T	
---	--	---	--

