

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65795 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- MAHILA P.S. District- Patna

Shashi Kant Kumar, S/o Shiv Balak Prasad, Resident of Shobha Sadar, Ram Krishna Nagar, P.S. Ram Krishna Nagar, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindu Kumari D/o Surendra Prasad Resident of Patel Colony, Aparna Bank Colony, Ramjaipal Path, New Bailey Road, P.S. Rupaspur, Distt.-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate.

For the Opposite Party/s : Mr. Sri Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner, learned counsel for the O.P. No. 2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 03 of 2018, registered under Sections 498(A), 506 and 323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torturing the informant by her husband and in-laws due to non-fulfillment of demand of dowry and removing from her matrimonial house, snatching her personal belongings.

Learned counsel for the petitioner submits that on the submission of informant-O.P. No.2 before this Court that she



is not interested in sending her husband-petitioner to jail and she wants to live with her husband-petitioner, this court extended the privilege of provisional pre-arrest bail to petitioner for period of six months on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Priya Shankar, Judicial Magistrate Ist Class, Patna, in connection with Mahila P.S. Case No. 03 of 2018, subject to the conditions as laid down under Section 438 Cr.P.C. Learned counsel for the O.P. tenders that wife is willing to be one of the bailors, the Court below is directed to release the petitioner after accepting the bail bond executed by the wife of the petitioner as one of the bailor. But in spite of request, opposite party no. 2 did not take any heed accepting the bail bond as one of the bailor due to that reason, petitioner could not furnish the bail bond in the light of order dated 13.12.2018.

On the other hand, learned counsel for the O.P. No. 2 submits that after passing the order dated 13.12.2018, petitioner filed Matrimonial Case No. 69 of 2019 for divorce against the opposite party no. 2, which is pending in the court of Principal Judge, Family Court, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna, in connection with Mahila P.S. Case No. 03 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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