

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63313 of 2018

Arising Out of PS. Case No.-465 Year-2017 Thana- Khagaria Compalint Case District-
Khagaria

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Mantosh Poddar S/o Vidaya Nand Poddar, Resident of Village- Chakhussaini,
P.S.- Mansi, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar
2. Pratibha Kumari, W/o Mantosh Poddar, Resident of Village- Chakhussaini,
P.S.- Mansi, District- Khagaria, at present Resident of Village- Chhoti Rani
Sakarpura, P.S.- Khagaria (Gangaur), District- Khagaria.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the Opposite Party/s : Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 05-03-2019 The sole petitioner, husband of complainant/opposite party no. 2, apprehending his arrest in Complaint Case No. 465 of 2017 for offence under Section 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961, has prayed for grant of bail in the event of his arrest or surrender.

In this case, by order dated 30-11-2018, while directing for issuance of notice to opposite party no. 2, it was directed not to take any coercive step against the petitioner. Office note suggests that notice on opposite party no. 2 has already been served, even then, on call, none is appearing on behalf of opposite party no. 2.

On perusal of the complaint petition, it is evident that



the complainant's marriage with the petitioner was solemnised in the year 2007 and it was alleged that she was tortured and ousted from her matrimonial house. However, on perusal of her statement recorded on solemn affirmation, it is evident that she accepted that since last six years, she was residing in her parents' house with her children. In such situation, there is no reason to refuse the prayer for anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Mantosh Poddar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 465 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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