

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66507 of 2019**

Arising Out of PS. Case No.-90 Year-2019 Thana- MAHILA P.S. District-
Nalanda

=====

AMIT KUMAR Son of Ram Prit Sharma Resident of Village - Bhagan Bigha,
P.S.- Bhagan Bigha, District - Nalanda. At present resident of Biharsharif
Bypass, P.S.- Deepnagar, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr. Anujit Sinha, Advocate.
For the Informant	:	Mr. A. Kumar
		Mr. Bijay Kr. Pandey, Advocates.
For the State	:	Mr. Nand Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 498(A), 323, 504, 34 of the Indian Penal
Code registered in connection with Mahila P.S. Case No. 90 of
2019.

3. It is submitted that the petitioner has been falsely
implicated and the accusations are highly improbable in nature
primarily considering that the parties were married as far back
as in the year 2003. It is admitted in the F.I.R. itself that the
informant has been living separately from the petitioner since the
year 2010 as she is employed as a teacher at Rajgir. It is
submitted that in view of marital disharmony, the petitioner has
filed a Divorce Case No. 106 of 2018 which is pending before the
Principle Judge, Nalanda. It is further stated that the informant
appeared in the said divorce case in which attempt for mediation
was made which however failed and the parties expressed that
they wished to reside separately, as recorded in the order dated



31.05.2019 (Annexure-3). The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* and has been heard.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Mahila P.S. Case No. 90 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar//-

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

