

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63722 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- MAHILA PS District- East Champaran

VIVEK KUMAR @ MAHAVIR PRASAD Son of Ram Nath Prasad Resident
of Village - Narkatiyaganj, P.S.- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 506, 504, 498-A, 313 and 328/34 of the Indian Penal Code, registered in connection with Mahila P.S. Case No. 41 of 2018 (G.R.Case No. 979 of 2018).

3. It is submitted that the petitioner has been falsely implicated and the FIR has been instituted against the petitioner, husband of the informant and his various family members. It is submitted, however, that by judgment dated 27.11.2018 in Matrimonial Case No. 275 of 2018, passed by the Principal Judge, Family Court, East Champaran, Motihari (Annexure-2), the petitioner has been granted divorce on the basis of mutual consent as the parties had expressed that they did not wish to



reside together in matrimony. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before 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 the like amount each to the satisfaction of learned S.D.J.M. Sikerhana at Dhaka in connection with Mahila P.S. Case No. 41 of 2018, 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 co-operate 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)

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