

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80095 of 2019

Arising Out of PS. Case No.-47 Year-2016 Thana- DUMRAO District- Buxar

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Vimlesh Kumar Singh @ Vimlesh Kumar Son of Shri Bhagwan
Singh Resident of Village - Dumraon, Shivnandan Mishra Road, P.S.-
Dumraon, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under section 498A and other sections of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

The prosecution story in brief is that a fardbeyan was lodged by the wife of the petitioner against the family members of the petitioner wherein the petitioner was also one of the FIR named witness. It further transpires that in course of trial the name of the petitioner was taken by P.W. 1 and P.W. 2 in their depositions. Thereafter, a petition under section 319 of the Cr.P.C. was filed on behalf of the persecution on 05.04.2019 and by order dated 17.07.2019 the learned S.D.J.M, Buxar allowed



the said petition and directed for issuance of summons to the petitioner and as such the instant application for bail.

It is submitted by learned counsel for the petitioner that the persons who had taken the name of the petitioner in course of trial are P.W. 1 and P.W. 2. P.W. 1 happens to be the wife of the petitioner, and informant of the instant case. It is further submitted that petitioner is not named in the FIR lodged by his wife and his name has transpired in course of trial in deposition of witnesses and on a petition under section 319 Cr.P.C, summons has been issued.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Dumraon P.S. Case no. 47 of 2016 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Buxar subject to the conditions as laid down in section 438 (2) of the Criminal Procedure Code.

It is further directed that the petitioner shall co-operate in



the trial and he shall remain personally present on each date in course of trial. In case of his absence on two consecutive dates for reasons not to the satisfaction of the Court below, the Court below shall cancel his bail and keep him in custody till conclusion of the trial.

(Partha Sarthy, J)

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