

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85063 of 2019

Arising Out of PS. Case No.-600 Year-2019 Thana- LAKHISARAI District- Lakhisarai

BIBHU KUMAR @ VIBHU KUMAR Son of Anil Kumar Address wrongly mentioned in the F.i.R. as resident of Village- Charaul, P.O.- Nawadih, P.S.- Rupoo (Kauakol), District - Nawada, Correct address is resident of Village - Chaupha, P.O.- Malathi, P.S.- Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sunand Kumar Son of Late Nagendra Vidyarthi resident of Village- Charaul, P.S.- Rupoo (Kauakol), District - Nawada,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2019 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Lakhisarai P.S. Case No. 600 of 2019 for the offence registered under Sections 498(A), 342, 346, 365/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The present case is stated to have been lodged at the behest of the brother of the first wife of the petitioner herein on the allegation that the petitioner had committed fraud with his sister and after assaulting her has ousted her from the house.

The learned counsel for the petitioner has submitted that by a judgment dated 09.10.2017 passed in Matrimonial



Case No. 1329 of 2016, by the learned court of Principal Judge, Family Court, Patna (Annexure-3 to the present petition), the marriage has now long been dissolved in between the sister of the opposite party no. 2 and the petitioner herein and the present case has been lodged on 01.08.2019, hence no offence as alleged is made out against the petitioner herein. It is further submitted that the petitioner is having a clean antecedent and he has been falsely implicated in the present case with oblique motive.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 600 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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