

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44066 of 2019

Arising Out of PS. Case No.-386 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Sudama Kumar aged about 26 years, Male, Son of Ram Ekbal Bhagat Resident of Village-Godhwa, P.O-Pataura, P.S-Mufassil, District-East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Neelam Kumari Wife of Sudama Kumar and daughter of Raj Narayan Bhagat Resident of Village-Godhwa, P.O-Pataura, P.S.-Mufassil, District-East Champaran (Sasural) presently residing at Village and P.O-Mahwal, P.S-Motipur., Dist- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7. 20-02-2020 Heard learned counsel for the petitioner, learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of opposite party no. 2.

The petitioner apprehends his arrest in Motipur P.S. Case No. 386 of 2018 registered for the offence under Section 498(A) & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted on behalf of petitioner that petitioner is ready to keep his wife with full honour and dignity. It is further submitted petitioner has already filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal



rights, vide Matrimonial Case No. 87 of 2018.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner 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 (West) Muzaffarpur, District Muzaffarpur in connection with Motipur P.S. Case No. 386 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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