

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56867 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- MAHILA P.S. District- Patna

Abhishek Kumar Son of Umesh Singh Resident of Village - Chhitnawan, P.S.-
Maner, Distt. - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Madhumita Kumari @ Sushmita Sinha D/o Kumari Sanju Sinha and Late Shashi Kant Singh Resident of Mohalla - Dev a Ram Ke Chak (Marchi) P.O - Begampur, P.S.- Chawk, Distt - Patna, At present Primary Cum Middle School, Gadanpura, P.O. - Bajitpur, Mudhari, P.S.- Chandi, Distt - Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav

For the Opposite Party/s : M/s.Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

8 05-03-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Mahila P.S. Case No. 28 of 2019 registered for the offences punishable under Sections 498-A, 504, 34 of the Indian Penal Code and $\frac{3}{4}$ of D.P. Act.

Petitioner happens to be husband of the informant (opposite party no. 2) and it is contended on behalf of the petitioner that informant herself does not want to lead her



conjugal life with the petitioner. He further points out that on 12.06.2019, the informant as well as her mother executed a document showing this fact that all the articles which were given to informant at the time of marriage were taken away by the informant and her mother and furthermore, it would also mentioned in the aforesaid document that informant would initiate proceeding of divorce. However, it is informed that petitioner has filed suit for restitution of conjugal right and after filing of the aforesaid suit, the informant brought the present case.

The record goes to show that notice was issued to informant which was received by her mother and after that affidavit of jointness of informant with her mother was filed on behalf of the petitioner. Therefore, it appears that notice upon informant has validly been served.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within eight weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Priya



Shekhar, learned Judicial Magistrate, 1st Class, Patna in Mahila
P.S. Case No. 28 of 2019, subject to conditions as laid down
under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

shahzad/-

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

