

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63956 of 2019

Arising Out of PS. Case No.-2223 Year-2018 Thana- COMPLAINT CASE District- Araria

Onkar Bharti Son of Awadhesh Pandit Resident of Gaddighat, P.S.- Rupouli,
Distt - Purnia. At present Ashram Mohalla Araria, Ward No. 15, P.S. and Distt
- Araria.

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Pinki Devi @ Pinki Kumar Wife of Onkar Bharti, D/o Late Subhash Mandal
Resident of Village - Hansi Begampur Banaili, P.S.- Jalalgarh, Distt - Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-03-2020 Heard learned Counsel for the petitioners and the
learned APP for the State.

Petitioner apprehends arrest in Complaint Case No. 2223C
of 2018 registered under Sections 498A IPC and Section 4 of Dowry
Prohibition Act.

The petitioner is accused husband for the offence under
Section 498A IPC read with Section 4 of the Dowry Prohibition Act.
The allegations are that he has subjected the complainant to cruelty,
ousted her from the matrimonial home and made demand for dowry.

Counsel for the petitioner submits that in fact the
petitioner has been deserted by his wife. Efforts to restore
matrimonial harmony failed whereafter he filed Matrimonial Case
No. 76 of 2018 for divorce and the same is pending.

In spite of notice served on the wife (Opposite party no.2)
earlier till date there is none to represent her though the matter was
adjourned yesterday also.

Learned APP has opposed the prayer.



Considering the aforesaid submissions as also the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named 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 SDJM Araria in Complaint Case No. 2223C of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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