

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78798 of 2019

Arising Out of PS. Case No.-228 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

ALOK KUMAR TIWARI @ SHANTANU KUMAR TIWARI, S/o Late Akhileshwar Tiwari, residence of Muhalla-Purani exchange Road, Sataydeopuri, Ward no.18, P.S.- Sitamarhi, Dist.- Sitamarhi.

... .. Petitioner

Versus

1. THE STATE OF BIHAR

2. Vibha Kumari, W/o Santosh Kumar Tiwari, residence of Muhalla-Purani exchange Road, Sataydeopuri, Ward no.18, P.S.- Sitamarhi, Dist.- Sitamarhi. Present Address- D/o Shaymnandan Mishra, residence of village-Jankisthan, Riga Road, Ward no.2, P.S. Sitamarhi, Dist.-Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-02-2020 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 sections 379 and 498A/34 of the Indian Penal Code.

As per allegation in the Complaint, the Complainant was married to the younger brother of the petitioner in the year 2013. Thereafter, the Complainant alleges that she was physically and mentally tortured by the accused persons for the reason that she gave birth to a girl child. Later on, in an



unconscious state, against her wishes her second child was aborted and finally she was forced out of her house.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the elder brother of the husband of the Complainant. The allegations against this petitioner are general and omnibus in nature, petitioner has no criminal antecedent and he is working in Military service and thus not residing with the family.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the Complaint, it transpires that the main allegation in the Complaint is against the husband and mother-in-law of the Complainant while the allegation against others are general and omnibus in nature and taking into consideration of the fact that the petitioner is in Military service and has no criminal antecedent, 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 Complaint Case No. C-1/228/2019 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 Chief
Judicial Magistrate, Sitamarhi, subject to the conditions as laid
down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J.)

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