

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84074 of 2019

Arising Out of PS. Case No.-224 Year-2013 Thana- SURYAGARHA District- Lakhisarai

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Bijo Sao, Son of Late Aklu Sao, Resident of Wakrachak, P.S.-Manikpur
(Suryagarha), District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 380 and 315/34 of the Indian Penal Code. Though, initially Complaint Case No. 759 of 2012 was filed which came to be registered as police case after complaint being transferred under Section 156(3) of the Cr.P.C. but on conclusion of the investigation, petitioner was not sent up for trial but differing with the final form, the order of cognizance was passed by learned Chief Judicial Magistrate, Lakhisarai on 05.01.2018 and process has been directed to be



issued after cognizance being taken under Section 498A of the Indian Penal Code.

The petitioner is 73 years old and after more than 40 years of marriage the accusation of torture and getting the pregnancy of the daughter-in-law terminated, have been levelled. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the fact that the petitioner was not sent up for trial on conclusion of the investigation but differing with the same cognizance has been taken only under Section 498A of the Indian Penal Code, particularly, accusation of torture has been levelled after more than 40 years of the marriage, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds 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



Suryagarha (Manikpur) P.S. Case No. 224 of 2013, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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