

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.82853 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- HASANPUR District- Samastipur

AMBUJ KUMAR DUBEY @ ABUJ KUMAR DUBEY Son of Bittan Dubey
@ Bittan Dubey Resident of Village- Sarsar Puraina, P.S.- Siwan Muffasil,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hasanpur P.S. Case No. 161 of 2019(G.R. No. 688 of 2019), disclosing the offence under Sections 363, 366 of the Indian Penal Code.

The informant alleges that his wife was in regular touch with someone else on mobile phone. She had been misbehaving with the informant and his family members and one fine morning she was found missing from the house with the sister of the informant. On the allegation that the mobile phone numbers disclosed by the informant in the FIR were registered in the petitioner's name, he has been implicated in the case. The wife of the informant and his sister subsequently



returned. Their statements have been recorded under Section 164 of the Cr.P.C. Whereas the informant's wife has alleged that she had gone to Delhi and the informant's sister had accompanied her out of her own volition, the sister of the informant has alleged that she was forcibly taken away by the informant's wife to Delhi.

The case of the prosecution, as narrated in the FIR, read with the statement of the sister of the informant recorded under Section 164 of the Cr.P.C. does not, *prima facie*, inspire much confidence.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, 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 learned Additional Chief Judicial Magistrate-III, Rosera, Samastipur in Hasanpur P.S. Case No. 161 of 2019(G.R. No. 688 of 2019), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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