

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17746 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- KHAIRA District- Saran

MANDAL KUMAR SAH S/o Janak Sah Resident of Village- Sahimpur
(Saidpur), Mathiya, P.S.- Khaira, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi W/o Mandal Kumar Sah, D/o Ram Ayodhya Sah Resident of
Village and P.O.- Rewadi, P.S.- Kopa, Distt- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-10-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Sri Jeetendra Narayan, learned counsel for the petitioner and learned APP for the State.

Petitioner seeks anticipatory bail in Khaira P.S. Case no. 339 of 2019 dated 04.10.2019 dated 04.10.2019 registered for the offence punishable under sections 323, 341, 379, 498A and 504/34 of the Indian Penal Code read with section 3/ 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that by order



dated 19.08.2020, notices were issued to opposite party no.2 but despite of service of notice, she has not chosen to appear before this court. Learned counsel for the petitioner further submits that both petitioner and the informant are living happily as husband and wife and as such, petitioner may be granted privilege of anticipatory bail. He further submits that since opposite party no.2 despite service of notice has not appeared that itself demonstrates that both petitioner and informant are living happily and thus, she chose not to contest the case.

Considering the submissions of learned counsel for the petitioner, this court deems it fit to send the matter to the court below. In the event of arrest/surrender on 29.11.2021, petitioner shall be released on provisional bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Pramod Ranjan, Judicial Magistrate, Ist Class, Saran at Chapra/ concerned court in Khaira P.S. Case no. 339 of 2019 subject to the condition under section 438(2) Cr.P.C.

Simultaneously, informant herein shall also be noticed, on appearance of the informant i.e. wife, the court below will verify whether petitioner and informant are living happily as husband and wife or not. In the event the court below finds that



petitioner and the informant are not staying together then
provisional bail of the petitioner shall stand cancelled by the
court below.

The application stands disposed of accordingly.

(Satyavrat Verma, J)

s.hassan/-

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