

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23625 of 2020**

Arising Out of PS. Case No.-583 Year-2019 Thana- MADHAURAH District- Saran

RAM LAGAN SAH S/o Late Charan Sah @ Late Ramchandra Sah Resident
of Village- Senaduari, P.S.- Marhowrah, Distt- Saran.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Lalita Devi W/o Ajay Sah R/o- Senvari, P.S.- Marhowrah, Distt- Saran

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 26-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, seeking pre-arrest bail in connection with Marhowrah P.S. Case No. 583 of 2019 registered for the offences punishable under Sections 341/323/498(A), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier this court had issued notice to opposite party no. 2 who is none else but the daughter-in-law of the petitioner. It is submitted that from the process server's report it appears that house service of notice has been affected upon O.P. No. 2 as she did not meet the process server. It is also pointed out that undelivered registered cover has been received with report of Postal Peon "Left without address, hence returned".



It is submitted that the service be taken as valid because the Superintendent of Police, Saran has submitted his report dated 14.12.2020 clearly stating therein that the daughter-in-law of this petitioner is residing with her husband in the State of Gujarat for the last four months.

It is alleged that on the one hand the daughter-in-law is residing with her husband and at the same time the father-in-law is getting harassed because of the pendency of the present application.

It is further submitted that in the nature of the allegations, there being a matrimonial dispute in which the husband was also made an accused and now the husband and wife are living together, it would also be in the interest of justice that the family peace is restored.

Learned A.P.P. for the State is present and in view of the report of the Superintendent of Police, Saran, learned A.P.P. does not oppose this application.

In the given facts and circumstances of the case, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Marhowrah P.S. Case No. 583/2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Saran, Chapra, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

