

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60973 of 2021

Arising Out of PS. Case No.-112 Year-2017 Thana- MAHILA P.S. District- Bhojpur

Abdul Mannan Sekh Son of Akhlakh Shekh Resident of village - Sarath mnik
Dangal Chowk Manic Dangal, P.S.- Sarath, Distt.- Deoghar (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar
2. Amana Khatoon W/o Abdul Mannan Shekh, D/o Sharfdin Resident of
village - House No.24 Sarah manik Dangal Chowk, P.S.- Sarath, Distt.-
Deoghar (Jharkhand).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner seeks anticipatory bail in connection
with Bhojpur Mahila P.S. Case No. 112 of 2017, registered for
the offence under Sections 498(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
marriage of the informant took place in the year 2014 with this
petitioner and he is ready to keep his wife in his company and
any specific overt act of this petitioner in the alleged cruelty has
not been revealed by the informant and the allegation against the
petitioner is general and omnibus, in fact the informant is hot
tampered lady and from the beginning of marriage she did not



want to reside at petitioner's village rather she wanted to reside at Ara. Further submissions is that the petitioner has taken legal action for restitution of his conjugal relationship with the opposite party no. 2.

Learned APP has vehemently opposed the prayer for anticipatory bail of the petitioner.

Heard both the sides and perused the FIR. The marriage of the informant with this petitioner took place in the year 2014 and petitioner has shown his willingness to keep his wife and submits that he has taken a legal action for restitution of his conjugal relation with his wife. In view of these facts as well as considering the nature of allegation and also the fact that the prosecution has not drawn the attention of this Court regarding any cogent evidence with regard to the alleged physical cruelty and petitioner's marriage with opposite party no. 2 took place in the year 2014 and there is a possibility of re-union of both the spouses in view of above petitioner's willingness, accordingly a lenient approach may be taken in respect of petitioner's prayer, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of



Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 112 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shailendra Singh, J)

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