

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70296 of 2021

Arising Out of PS. Case No.-505 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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GOVIND SAH, S/O RAMKISHUN SAH, R/o village- Bharha, P.O.-
Bathnaha, P.S.- Phuparas, District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar.
2. Chano Kumari, wife of Govind Sah, R/o village- Bharha, P.S.- Phuparas,
District- Madhubani, At Present D/o Babulal Sah, Residing at Village-
Birpur, Barapatti Pindraun, P.S.- Ladaniya, District- Madhubani

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate
For the Opposite Party : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-04-2022 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.

This application for anticipatory bail arises out of
C.R. No. 505 of 2021 for the offence punishable under Section
498-A of the Indian Penal Code.

Despite service of notice upon brother of opposite
party no.2, no one has appeared on behalf of opposite party
no.2.

Learned counsel for the petitioner submits, on
instructions, that opposite party no.2 has died.



Considering the above submission of learned counsel for the petitioner, this bail application is allowed.

Accordingly, 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 the learned Judicial Magistrate, 1st Class, Madhubani, in connection with C.R. No. 505 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

While accepting the bail bonds of the petitioner, the Court below shall verify the fact whether the complainant is alive or dead. If it is found that the complainant has died then, the bail bonds of the petitioner shall be accepted by the Court below. If it is found that the complainant is alive, in such circumstance, the Court below shall not accept the bail bonds of the petitioner and he shall be taken into custody.

(Sandeep Kumar, J)

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