

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17883 of 2014**

Arising Out of PS.Case No. -3495 Year- 2012 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Akhilesh Kumar Agarwal @ Akhilesh Agarwal Son of Sri Sunder Shyam  
resident of mohalla-Kazal Badshaganj, Near Sheo Mandir, Pepalwara, P.S  
Kotwali, District- Muradabad ( U.P), and at present residing at Vikaspuri, h-  
145, P.S- Karolbagh, District- Delhi.

.... .... Petitioner

Versus

The State Of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. M.Rab (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

8      19-08-2015                      After surrendering on 06.08.2015 the petitioner has  
prayed for bail.

Heard the learned counsel for the petitioner, learned  
counsel for the complainant as also the learned Additional. P. P.  
for the State.

The petitioner is in custody in Complaint Case No.  
3495 © of 2012 for the offences punishable under section 498 A  
of the I.P.C and section 4 of the Dowry Prohibition Act pending in  
the court of S.D.J.M. Patna.

Allegedly, the petitioner being husband of the  
complainant started torturing her in various ways, made the

complainant jobless and almost every day used to assault her and further snatched her mobile due to non fulfillment of demand of four wheeler. Inspite of every request the behaviour of the petitioner did not change. All the jewelries of the complainant were taken away by the petitioner and others.

Submission is of false implication and that the complainant does not want to live with the petitioner though the petitioner is still ready and willing to keep his wife, the complainant, with full dignity and honour at the place of his job. The allegation is omnibus and general in nature. As alleged, the entire occurrence has taken place out side of the jurisdiction of Patna. The complainant wants to live at Patna and to put pressure she has lodged the complaint case to extort money from the petitioner. The petitioner remained in custody since 12.03.2014 to 06.06.2014 and again after surrendering is in custody since 06.08.2015 and as such now he deserves sympathetic consideration as there is no injury report attached with the complaint petition.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for bail of the petitioner by submitting that the petitioner is the husband and against him there is serious allegation for assaulting and torturing the complainant. The petitioner made the life of the complainant

worst and rendered her jobless.

In the facts and circumstances as stated above, considering the earlier detention of the petitioner and further that the petitioner has surrendered on 06.08.2015 voluntarily and as such he is directed to 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 S.D.J.M. Patna in Complaint Case No. 3495 © of 2012, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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