

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28188 of 2015

Arising Out of PS.Case No. -326 Year- 2013 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Amit Singh Yadav S/o Mahendra Singh Yadav Resident of Village
Birapur, P.S. Bhawarkol, District Gazipur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manisha Kumari W/o Amit Singh Yadav and D/o Manoj Kumar Singh
Resident of Village Nadaw, P.S. Buxar (M), District Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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

3 15-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the complainant opposite party no. 2.

Petitioner seeks bail in connection with Complaint Case
No. 326 (c) of 2013 in which cognizance has been taken under
Section 498A of the Indian Penal Code and Sections 3 and 4 of
the Dowry Prohibition Act.

The petitioner was married with complainant in the year
2001 and due to non-fulfillment of demand of dowry by way of
rupees three lacs, one motorcycle, colour television, Freez,
washing machine and also a cow started torturing her and further
the petitioner and other co-accused assaulted her and in spite of

the request made the behaviour of the petitioner remained the same and complainant is residing in her maik.

Submission is of false implication and that the marriage was solemnized after suppressing the disease of the complainant. The petitioner has never demanded any dowry nor ever tortured her. The father of the complainant has admitted in panchayati that the marriage was solemnized after suppressing the disease of the complainant and as such the petitioner who is suffering in custody since 21.04.2015 now deserves sympathetic considerations as there is no injury to the complainant.

Learned counsel for the complainant by filing supplementary affidavit has opposed the prayer of bail by submitting that the petitioner has arranged another marriage with a girl Asha Devi the daughter of Lal Saheb Yadav and further the petitioner is not paying the maintenance amount as awarded by the competent court and his prayer for pre-arrest bail has been rejected up to the Hon'ble Apex Court.

In the facts and circumstances stated above, considering that with the complaint petition no injury report has been annexed and further there is no allegation that the complainant has received any injury and as such considering the period of detention, at this stage, the petitioner above named is directed to be released on bail

on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 326 (c) of 2013, 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)

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