

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35723 of 2016

Arising Out of PS.Case No. -128 Year- 2002 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Ajay Singh Son of Rameshwar singh Resident of Village- Rajapur, P.S. Piro, District Bhojpur at Present Jai Prakash Nagar, Quarter No. 96, New Raj Nagar, P.S. Raj Nagar, District Sahdol (M.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Randhir Singh son of late Naresh Singh Resident of Village- Itawan, P.O Karup, P.S Karakat, (Gorari) District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant's sister is languishing in custody since 4.6.2016 in a complaint case in which process has been directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It appears that the complaint was filed in 2002 but the petitioner preferred anticipatory bail in 2015 which was rejected by a co-ordinate bench of this Court vide order dated 9.3.2015

passed in Cr. Misc. No. 9310 of 2015 with observation that the learned court below will consider regular bail without being prejudiced by the order of this court and verify the fact as to whether any process had been served upon the petitioner or not after the order of cognizance being passed.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant's sister but the sister of the complainant has performed second marriage with one Ras Bihari Singh and has children with the second marriage. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That in fact the victim lady was not ready to lead her conjugal life with the petitioner because from the very beginning she did not like the petitioner which gets support from the fact that she has celebrated her another marriage with one Rash Bihari Singh, son of Late Brij Kishore Singh at Village – Dhanwan, P.S. – Bikramganj, District – Rohtas in the year 2005 and from the wedlock of victim and Rash Bihari Singh one male and one female child born.”

Considering the nature of accusation and the period in custody, let the above named petitioner 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 S.D.J.M.,
Bikramganj in connection with Complaint Case No. 128 of 2002.

The learned court below shall be at liberty to cancel
the bail bonds of the petitioner defaults without any reasonable
cause on two consecutive occasions.

(Dinesh Kumar Singh, J)

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