

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48424 of 2015

Arising Out of PS.Case No. -916 Year- 2011 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Ajay Mandal son of Shital Mandal, resident of Vilage- Pakki Sariya Ghogha, P.S.- Ghogha, Dist- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi Wife of Ajay Mandal, D/o Indradeo Mandal, R/o Kalyan Tola (Rahiya), P.S.- Bariyarpur, Dsit- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash
For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-02-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Complainant.

The petitioner was allowed pre-arrest bail vide Cr. Misc. No. 5224 of 2014 by order dated 31.03.2014 with a direction to pay the maintenance amount as per order dated 15.01.2014 passed in Maintenance Case No. 293 of 2013 but the petitioner did not comply the said order resulting he is in custody since 10.04.2015.

Submission is that the petitioner is not in a position to pay the maintenance amount to the complainant, in the maintenance case already process has been started to realize the amount, in this case the only allegation is for torturing and

assaulting to the complainant due to non fulfillment of demand dowry, no injury has been caused to the complainant and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for bail by submitting that the petitioner has not complied the order passed in Cr. Misc. no. 5224 of 2014.

In the facts and circumstances as stated above, considering detention of the petitioner, now 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. Munger in Complaint Case No. 916- C of 2011, 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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