

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2500 of 2017

Arising Out of PS.Case No. -235 Year- 2004 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Dhananjay Kumar Nirala @ Dhananjay Kumar son of Balmiki Mahto, R/o
village- Murla Bigha, P.S.- Chandi, District- Nalanda.... Petitioner

Versus

State of Bihar & Anr Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sri Lalan Kumar

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

ORAL ORDER

2 30-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Chandi P.S.
Case No. 235 of 2004 registered for the offences punishable under
Sections 498A, 379, 323 of the Indian Penal Code and Sections 3
/ 4 of Dowry Prohibition Act.

Allegedly, the petitioner being the husband of the
complainant tortured her for non-fulfillment of demand of dowry
of Rs. 25,000/- and T.V.

Submission is of false implication and that the petitioner
was always ready to keep the complainant as his wife with honour
and dignity but she has performed second marriage, the petitioner
has already filed Matrimonial Suit No. 10 of 2006 for restitution
of conjugal right and without any fault the petitioner is suffering in



custody since 30.11.2016 and as such he deserves sympathetic consideration.

Learned APP submits that the petitioner is the husband of the complainant.

In the facts and circumstances stated above, considering the period of custody, 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 Smt. Rashmi Prasad, J. M. Ist Class, Hilsa, Nalanda in connection with Chandi P.S. Case No. 235 of 2004, 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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