

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2141 of 2017

Arising Out of PS.Case No. -276 Year- 2016 Thana -NANHPUR District- SITAMARHI

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1. Bhartendu Kumar S/o - Sita Saran Rai R/o - Gaura, Post - Gaura, P.S. - Nanpur, Distt - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. Deepmala Kumari D/o Thaga Paswan Resident of Village & Post - Gaura, P.S. - Nanpur, Distt - Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rama Kant Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-10-2017

Heard the parties.

The appellant seek regular bail in connection with a case registered for the offences punishable under Section 498(A),34 of the Indian Penal Code, 3 / 4 of Dowry Prohibition Act and Section 3 (X) of SC/ST Act.

Allegation against the appellant, as per FIR, is that he married with the informant and thereafter started all type of torture and demanded Rs. 5 lacs from her . It is further alleged that the appellant used to come with 8-10 persons and forced her to do illicit work.

Submission of learned counsel for the appellant is that so far allegations are concerned, the police has not found the case



true under Section 366A IPC and charge sheet has not been submitted under that Section and only under Section 498(A) and other Sections of the Indian Penal Code has been submitted. The appellant is in jail custody since 02.03.2017.

Heard learned Special P.P. and the learned counsel for the informant also and they have opposed the prayer for bail on the ground that there is serious allegation against the appellant.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed and impugned order dated 03.07.2017 passed in Nanpur P.S. Case No. 276/16 by learned 1st Additional District Judge-cum- Special Judge SC/ST Act, Sitamarhi, is set aside.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge-cum Special Judge SC/ST Act, Sitamarhi in connection with Nanpur P.S. Case no 276/16 (G.R.No. 911/16), subject to the following conditions:

(i) One of the bailors of the appellant shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper



with the evidence.

(iii) The appellant shall co-operate in the disposal of the trial and make themselves available as and when required by the court concerned and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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