

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13473 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- BANIAPUR District- Saran

RAJ KISHOR RAM S/o Late Nagdhari Ram @ Jagdhari Ram, resident of
village-Kamta, P.S-Baniyapur, Distt.-Saran at Chapra

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pinki Devi W/o Raj Kishor Ram D/o Rajendra Ram village-Dugoli, P.S-
Mashrakh, Distt.-Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
31.07.2018 in connection with Baniyapur P.S. Case No. 156 of
2018 for offences punishable under Sections 498-A, 323, 147,
504/34 of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

The prosecution case by way of complaint case, as
lodged by the complainant-informant, is that she was married to
the petitioner in July, 2016 but she was always tortured by the
husband and in-laws for non-fulfillment of demand of
motorcycle. It is further alleged that on 26.01.2018 petitioner,



who is husband, had assaulted her, resultantly she had injury on her head with blood oozing out. Thereafter she went to her parental house.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and being the husband has been falsely implicated in the aforesaid case. He further submits in paragraphs 7 and 8 of this application that the petitioner has never assaulted the complainant-informant and is ready to keep her with full dignity and honour in the matrimonial house.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the undertaking of the petitioner to keep his wife (complainant-informant) with full dignity and honour, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Saran at Chapra, in connection with Baniyapur P.S. Case No. 156 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

2. Petitioner will be released on bail if the learned court below is satisfied that the petitioner will keep the complaint/informant with full dignity and honour in the matrimonial house.
3. If it is brought to the notice at any time that the petitioner has failed in his undertaking, the learned court below would proceed to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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