

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15414 of 2019

Arising Out of PS. Case No.-1164 Year-2011 Thana- SARAN COMPLAINT CASE District-
Saran

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Raj Kumar @ Britania Gope @ Bitania Gope @ Britani Gope, Son of Ashok Kumar @ Ashok Yadav, Resident of Tulsi Mandi, Agamkuan, P.S.- Alamganj, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anuradha Kumari Wife of Raj Kumar @ Britania Gope @ Bitania Gope @ Britani Gope , Daughter of Chandraket Narayan, Resident of Rahar Diyara, P.S.- Sonpur, Town and District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Maijorwar
For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The present application is more in the nature of prayer
for bail in a case of misuse.

The petitioner, being the husband of the complainant,
is languishing in custody since 24.11.2018 in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offence punishable under Section 498A of
the Indian Penal Code.

The prosecution case as per the complainant is that
she was married with the petitioner on 08.07.2008 but



subsequent to the marriage the further dowry demand of Rs.1,50,000/- and an auto rickshaw was made and for non-fulfillment of the same, the torture was inflicted and ultimately she was driven out from the matrimonial home.

It appears that the petitioner preferred Cr. Misc. No. 28328 of 2014 with a prayer for bail in the present case. The petitioner was granted bail vide order dated 12.12.2014 with condition that at least for two years or till disposal of the case the petitioner will be physically present on each and every date and in case of failure on two consecutive occasions without giving any reasonable explanation, the privilege granted shall be deemed to be cancelled, consequently the petitioner surrendered and furnished bail bonds but thereafter, he never appeared, as a result, his bail bond was cancelled on 04.11.2015 and warrant of arrest was issued.

It is submitted by learned counsel for the petitioner that the petitioner is a labourer and had gone out of the State to earn livelihood. The petitioner is still ready to keep the complainant with dignity and honour, statement to that effect has been made in paragraph 9 of the petition.

Learned APP submits that the thrust of accusation is against the petitioner and he misused the privilege of bail.



Considering the nature of accusation and the fact that the petitioner was granted bail on merits and now he has suffered incarceration for more than three months in a case of misuse of bail, 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 Complaint Case No. 1164 of 2011 (Tr. No. 706 of 2018) in connection with Sub Divisional Judicial Magistrate, Chapra.

(Dinesh Kumar Singh, J)

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