

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70436 of 2018

Arising Out of PS. Case No.-114 Year-2018 Thana- DULHIN BAZAR District- Patna

Sunil Kumar, son of Krishna Das, resident of Village- Amarpura, P.S. Dilhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is languishing in custody since 23.06.2018 in a case registered for the offence punishable under Sections 341,323,498A, 494/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report of Chhathiya Devi submitted to the Station House Officer, Dulhin Bazar Police Station is to the effect that the informant's marriage was performed with the petitioner Sunil Kumar on 14.05.2016, but subsequent to the marriage, further dowry demand of a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the



informant. It is also alleged that the petitioner has already performed second marriage.

It is submitted by learned counsel for the petitioner that it is the informant who deserted the petitioner, as a result, the petitioner has performed second marriage. It is further submitted the offence under Section 494 of the I.P.C. is bailable and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that the thrust of accusation is against the petitioner, being the husband of the informant.

It appears that a Bench of this Court vide order dated 03.12.2018 issued notices upon Opposite Party No.2, but the office note dated 24.01.2019 reflects that in spite of notices being received by Opposite Party No.2, she has chosen not to appear.

Considering the nature of accusation, the investigation has already been concluded and the period in custody, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 ACJM-III, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 114 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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