

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83058 of 2019

Arising Out of PS. Case No.-377 Year-2012 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

-
1. RAJIV KUMAR @ RAJEEV KUMAR S/o Ramashish Mistry R/o village- Pachlakh, P.S.- Khijar Sarai, Distt.- Gaya
 2. Ramashish Mistry S/o Late Devnandan Mistri R/o village- Pachlakh, P.S.- Khijar Sarai, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari W/o Rajiv Kumar R/o village- Pachlakh, P.S.- Khijar Sarai @ Khidar Sarai, Distt.- Gaya. A/P resident of Tehta Rajaien, P.S.- Makhdumpur, District- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in a case registered under
Sections 323, 341, 498A and 504/34 of the Indian Penal Code.

Petitioner Rajiv Kumar who happens to be
husband while Ramashish Mistry who happens to be father-in-
law of the complainant are said to have tormented the
complainant over dowry demand and finally drove her out of
her marital house snatching her ornaments, etc. in association of
their family members.



It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. Petitioners neither made any demand of dowry nor ever tormented the complainant over said dowry demand nor drove her out of her marital house snatching her belongings. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that petitioner Rajiv Kumar is still ready to keep the complainant with him with full honour and dignity. Albeit processes under Sections 82 and 83 Cr.P.C. have been issued against the petitioners and they have been declared absconder, but no report of the service of processes issued against the petitioners is on record. They have been languishing in custody since 01.10.2019.

As petitioner No.2 Ramashish Mistry happens to be father-in-law of the complainant and the allegation levelled against him is not specific rather general and omnibus in nature, petitioner No.2 Ramashish Mistry is directed to 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 the learned Judicial Magistrate 1st Class, Jehanabad in connection with Complaint Case No. 377 of 2012.



So far as petitioner no.1 Rajiv Kumar is concerned, he happens to be husband of the complainant and is ready to keep the complainant with him with full honour and dignity, he is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jehanabad in connection with Complaint Case No. 377 of 2012 with condition that he will take the complainant from the court below and keep her with full honour and dignity and in case of failure of the petitioner or any laches on his part in taking the complainant from the court below and keeping her with full honour and dignity, the learned lower court shall be at liberty to cancel the bail bond of the petitioner. However, the learned lower court shall confirm the provisional bail of the petitioner if no laches is found on the part of the petitioner.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

