

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32223 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

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DHUNMUN TIWARY @ SUMA KANT TIWARY Son of Ram Jagi Tiwary,
Resident of Village - Orgawan, P.S. Bhagwanpur, District - Kaimur at
Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Dhunmun Tiwary @ Suma Kant Tiwary, D/O Uma Shankar Choubey, Resident of Village Bhabua Ward No. 23, P.S. Bhabua, District Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Bikramdeo Singh Pawan Kumar Singh, Advocates
For the State	:	Mr. Ajit Kumar, APP
For the O.P. no. 2	:	M/s Yogesh Chandra Verma, Sr. Advocate Satyendra Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-10-2021 Heard learned counsel for the parties.

The instant application has been preferred for grant of regular bail in a case registered under sections 498A, 420, 467, 468 and other sections of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the informant states that the petitioner depicted himself to be in government service. He took rupees twelve lacs by way of dowry and entered into marriage with the informant. Subsequently it transpired that he was a fraud, was not in service and had cheated the informant.



Later he started to threat the informant with dire consequence if she complained against him.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. It is submitted that for the marriage which took place on 11.6.2019, the petitioner has been falsely implicated with the FIR registered only on 4.6.2020 without any reasonable explanation for the delay. The allegations are general and omnibus in nature besides being false and concocted. The petitioner has no criminal antecedent and is in custody since 5.6.2020.

The application for bail is opposed by learned senior counsel appearing for the opposite party no. 2 who submits that the case is not a simple case under section 498A of the I.P.C. but the nature of allegations as narrated in the FIR are serious in nature and the prayer for bail be rejected.

Having heard learned counsel for the parties and on going through the materials on record it transpires that the petitioner who was in custody since 5.6.2020 was granted provisional bail *vide* order dated 6.1.2021. There is no allegation of misuse of the privilege of provisional bail.

The provisional bail granted to the petitioner vide



order dated 6.1.2021 passed in the instant case in connection with Mahila P.S. Case no. 28 of 2020 pending in the Court of learned S.D.J.M., Bhabua, Kaimur is hereby confirmed.

It is further directed that the petitioner shall cooperate in the trial. In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him in custody till conclusion of the trial.

(Partha Sarthy, J)

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