

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.845 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- PIPRA District- Supaul

MANOJ SHARMA Son of Raudi Sharma Resident of Village - Basaha, P.S.-
Pipra, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dr. Shashi Shekhar Kishore, Advocate
For the Opposite Party/s :	Ms. Meena Singh, APP
For the informant :	Mr. Naresh Kumar Mehta, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 22-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State as well as learned Counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Pipra PS Case No. 174 of 2020 registered under Sections 323, 341, 494, 498(A), 504 and of the IPC.

Having been married 16 years back the informant alleges that she has been subjected to torture at the hands of the petitioner, who is the husband. She alleges that he is having illicit relation with some other female and that in spite of earlier agreement for restoration of matrimonial harmony the petitioner is continuing with the torture.

Learned Counsel for the petitioner submits that this is the third case in the series of litigation being filed by the same informant. The first case is Complaint Case No. 2393 of 2010. In the



said case the petitioner had been discharged. Thereafter Pipra PS Case No. 43 of 2017 was lodged by the same informant for the same offence, which is pending in the court of SDJM Supaul and in which evidence is being examined by the court. This is the third case. He submits that the cases are being filed only to harass the petitioner. The petitioner had in fact lodged matrimonial case for restitution under Section 9 of the Hindu Marriage Act bearing M. M. Case No. 101 of 2013. Submission is that the informant is not living at her matrimonial home for the last several years and the petitioner has falsely been implicated. He is in custody since 27.8.2020.

Learned Counsel for Opposite party No. 2 and the learned APP for the State have opposed the prayer for bail. They have submitted that in fact the petitioner had earlier entered into an agreement. He has violated the same and is continuously subjecting the informant to cruelty leaving her with no alternative than to file cases against the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, VIth, Supaul in Pipra PS Case No. 174 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

