

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10004 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- DARPA District- East Champaran

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Rakesh Rai son of Shambhu Ray resident of Village- Pakariya Tola- Rampur,
P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sita Devi Wife of Rakesh Rai Daughter of Gafur Rai Resident of Village-
Pakariya Tola- Rampur P.S.- Darpa District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Dr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 08-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Darpa P.S. Case No. 138 of 2020 registered under sections 498A, 340, 323, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the F.I.R., the informant was married to the petitioner in May, 2019. It is stated that soon after the marriage the accused persons including the petitioner started to assault and torture the informant and demanded a sum of Rs.2 lacs. She was tied up. She was somehow saved by her



relatives and co-villagers.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the husband of the informant. The allegations levelled in the F.I.R. are absolutely false and concocted. The petitioner has always been ready to keep the informant with full honour and dignity, however it is the informant who is not ready to reside in her *sasural*. It is submitted that the petitioner has no criminal antecedent and in a case under section 498A of the Indian Penal Code, he has remained in custody for over 9 months.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for 9 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Darpa P.S. Case No. 138 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, Raxaul at Motihari, East Champaran.



Bibhash

(Partha Sarthy, J)

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