

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10782 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- CHIRAIYA District- East Champaran

Anil Kumar S/o Bhola Singh R/o village- Sheetal Patti, P.S.- Chiraiya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 337 of 2021 registered for the offence under
Sections 342, 323, 377, 504, 498(A), 506 and 34 of Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 15.11.2021.

The allegation against the petitioner is to commit cruelty against informant/wife due to non-fulfillment of the demand of dowry as raised for a piece of land in Delhi and further allegation of unnatural sex and marital rape.

Learned counsel appearing on behalf of the petitioner submitted that as informant/victim desires to live in Delhi with her parents, where she failed to persuade the petitioner to live with after disposing of the ancestral/village property, the present false implication was made. It is also submitted that the allegation of unnatural sex is only to aggravate the allegation. It is submitted that petitioner is willing to continue his conjugal life with informant/wife but, if petitioner failed to continue for any of the reason, he is ready to pay Rs.2,500/- (Rupees Two Thousand Five Hundred) per month to informant and their child, as provisional maintenance, till the outcome of Family Court over the subject. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



In view of the facts and circumstances, as mentioned above, as petitioner is willing to continue or to pay Rs.2,500/- (Rupees Two Thousand Five Hundred) per month to informant/wife coupled with the fact that chargesheet has been submitted, where petitioner is in custody since 15.11.2021, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya P.S. Case No.337 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarhana at Dhaka, District-East Champaran/concerned Court, subject to the following conditions :

(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall pay Rs.2,500/- (Rupees Two Thousand Five Hundred) per month to the informant for her maintenance, the said amount shall be



deposited in the bank account of wife of the petitioner. The amount of Rs.2,500/- (Rupees Two Thousand Five Hundred) be transferred, positively, on or before seventh day of every calendar month, and on failing for two consecutive months, the bail bond of the petitioner shall be cancelled by the learned Trial Court, itself.

It is made clear that the receipt of first payment, as regard to the deposit in the said account, be placed before the concerned Court at the time of furnishing of bail bond.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Tripathi/-

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

