

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13799 of 2022**

Arising Out of PS. Case No.-987 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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DHANRAJ KUMAR S/O SANJAY PRASAD SINGH R/o village- Sundari,
P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari W/o Dhanraj Kumar, D/o Ranjit Singh @ Loha Singh R/o village- Paura, P.S.- Nawada (Kadirganj O.P.), District- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 13-07-2022 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks bail in connection with

Complaint Case No. 987 of 2019, in which cognizance has

been taken under Sections 323 / 498(A) of the IPC.

As per the prosecution case, the complainant was

married to the petitioner in the year 2018 and soon

thereafter she was tortured on account of non-fulfillment of

illegal demand of additional dowry of Rs. 5,00,000 from her

parents to start business.

Hence, the present case.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of matrimonial discord. Even divorce case was filed by the petitioner, and in the course of that proceeding, compromise was reached at between the parties and in pursuance of the compromise, the divorce petition was withdrawn. But, later on, the wife/complainant did not comply with the terms and conditions of the compromise by withdrawing the present complaint case. Hence, again the petitioner has filed divorce petition which is going on in a Family Court. He further submits that the petitioner is in custody since 01.12.2021, i.e., for about eight months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances,



particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Smt. Aditi Kumari, Judicial Magistrate 1st Class, Nawada in connection with Complaint Case No. 987 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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