

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20653 of 2022

Arising Out of PS. Case No.-515 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Nigam Muni @ Nigam Muni Das, S/O Siya Sharan Paswan, Resident of
Wena, P.S.- Wena, District- Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Kumari, W/o Nigam Muni @ Nigam Muni Das, D/o Jagdish Narayan R/o- Durga Charan Lane, Bari Patandevi Lane, P.S.- Alamganj, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Ms.Preety Kunwar
	:	Mr. Kumar Rajdeep
For the Opposite Party/s	:	Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Complaint Case No. 515 of 2019, registered for the offences

punishable under Sections 498 (A) of the Indian Penal Code

and Section 3/4 of D.P. Act.

As per the prosecution case, emerging from the

F.I.R., there is allegation of physical and mental cruelty

against alleged victim on account of non-fulfillment of illegal

demand of dowry.



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. He further submits that the allegation is only intended to harass the husband-petitioner and he has been languishing in jail since 15.03.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 7078 of 2020, which was disposed of on 24.08.2020.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that this is cruelty against a woman and the petitioner is husband.

Considering the aforesaid facts and circumstances, particularly the nature of offence and 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 Additional Chief Judicial Magistrate, Patna City in connection with Complaint Case No. 515 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, if any, 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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