

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24873 of 2022

Arising Out of PS. Case No.-411 Year-2021 Thana- TARAIYA District- Saran

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Lallan Giri, Son of Vishwakarma Giri, R/O Village- Kumna, P.S.- Kopa,
District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr.Nityanand, A.P.P.
For the Informant	:	Mr. Ranjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Taraiya P.S. Case No. 411 of 2021 registered
for the alleged offences under Sections 498(A) and 34 of the
Indian Penal Code and under Sections 3 and 4 of the Dowry
Prohibition Act.

As per prosecution case, marriage of the petitioner
was solemnized with the informant on 12.07.2019. The
allegation against the petitioner and his family members is that
they have been demanding a Bullet motorcycle in dowry and

when the demand was not fulfilled, they used to abuse and assault the informant and they drove her out from her matrimonial home.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. In fact, informant was never subjected to any cruelty or assault either by the petitioner or by any of his family members. No demand of any Bullet motorcycle was made. The allegations are completely vague and omnibus and no date has been mentioned about any of the occurrences. Learned counsel further submits that the informant is a lady of abnormal behavior suffering from some mental condition and she was being treated for her mental ailments and this fact was suppressed from the petitioner and his family members. The petitioner was being treated and a photocopy of prescription of P.M.C.H has been brought on record which shows she was being treated much before the lodging of the present case and her clinical history goes back to five years. Learned counsel further submits that the informant does not want to stay with the petitioner and left her matrimonial home. The petitioner has not performed second marriage and allegation in this regard is false. Charge sheet has been submitted in this case and the petitioner

is in custody since 19.02.2022.

Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner tortured and treated the informant with cruelty on account of demand of Bullet motorcycle.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Saran at Chapra in connection with Taraiya P.S. Case No. 411 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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