

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33685 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- RIGA District- Sitamarhi

Dr. Vijay Thakur @ Vijay Thakur, S/o Devendra Thakur Resident of Village - Shivnagar, P.S.- Riga, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s :	Mr. Asif Kalim, APP
	Md. Akram Naiyer, Advocate
	Mr. Atul Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 31-01-2022 The applicant/accused in Crime No. 392 of 2020 registered with Riga Police Station for the offences punishable under Sections 342, 323, 307, 498(A) r/w Section 34 of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act, by this application is seeking his release on bail after filing of the charge sheet and after undergoing pretrial detention of more than one year.

Heard both sides.

It is argued by the learned counsel appearing for the first informant that the applicant is given specific role in the subject crime and the applicant is a cheater as he is not the MBBS Doctor.

I have considered the submissions so advanced and



also perused the material placed before me.

The FIR of the subject crime is lodged by Puja Kumari on 21.12.2020. The applicant is the husband of said Puja Kumari. Prior to lodging of the FIR, it appears that married life of the applicant and the first informant was suffering from rough weather and there was some meeting between the elders in which a letter of compromise came to be drafted and signed by both the parties. Be that as it may, the first informant has alleged that on 21.12.2020 the applicant attempted to commit her murder by assaulting her by means of an Axe. Her father-in-law started assaulting her by means of wooden stick and her mother-in-law assaulted by an iron rod. She was assaulted by means of fist and slaps by her brother-in-law. Then by attempting to strangle her and by attempting to incinerate her, accused persons attempted to kill her.

As against this FIR, what was found on medical examination of the first informant is whole body pain and swelling on front side of neck apart from bruise on the left hand. Though the first informant has stated that Kerosine oil was sprinkled on her person and her mother-in-law went to bring the matchbox, she was saved by her neighbours, simple burn injury on her back side is found. The first informant has



not alleged that she was burnt by the accused persons in her FIR. All injuries on her person are found to be simple by the Medical Officer.

Considering the matrimonial dispute between the parties and the fact that the applicant has undergone pretrial detention of about one year after filing of the charge sheet, I see no reason to deny the bail to him in this matrimonial offence. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 392 of 2020 registered with Riga Police Station for the offences punishable under Sections 342, 323, 307, 498(A) r/w Section 34 of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the



trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) It is needless to mention that parties shall try to settle the matrimonial dispute amicably before the appropriate forum.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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