

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43562 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- MAHILA PS District- Jehanabad

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BINDESHWARI SINGH @ BINDESHWAR SINGH S/O LATE RAM
CHANDRA YADAV R/O VILLAGE-BEDAULI, P.S.-BHAGWANGANJ,
DISTRICT-PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PHOOL KUMARI D/O LATE MAHENDRA YADAV, W/O SAURABH
KUMAR R/O VILLAGE-LARSA, P.S-PARAS BIGHA, DISTRICT-
JEHANABAD.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Suman Kumar Verma, Advocate
For the informant	:	Mr. N.A. Shamsi, Advocate
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 04-04-2022 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of informant and

learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with

Mahila P.S. Case No. 36 of 2020, for the offence punishable

under Sections 323, 342, 498-A, 494, 354(B), 504, 506/34 of the

Indian Penal Code and Section 3 / 4 of the Dowry Prohibition

Act.

The prosecution case, in brief, is that petitioner along

with his son, who is the husband of the informant, started



demanding dowry and also assaulted her physically. It is specific allegation against the petitioner that he had threatened her that he will solemnized the marriage of his son and he will keep her as his wife.

Learned counsel appearing on behalf of the petitioner submits that the allegation against the petitioner that he had tortured and demanded dowry is not sustainable. The informant is the wife of his son and out of wedlock they were blessed with a daughter. He further submits that petitioner never threatened nor had indulged in immoral act with her. The petitioner has clean antecedent and is in custody since 23.03.2021 and deserves to be enlarged on bail. He submits that similar allegation made against him by other daughter-in-law in which he has already been enlarged on bail by the learned court below.

Sri N.A. Shamsi, learned counsel appearing on behalf of informant submits that the allegation made against the petitioner is of immoral conduct. The petitioner is of loose character. The informant had to leave her matrimonial house because of bad moral character of her father-in-law (Petitioner). He further submits that her husband has deserted her, the petitioner does not deserve to be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer



for grant of bail to the petitioner and supports the contention of the learned counsel for the informant.

Considering the aforementioned facts and circumstances of the case, the nature of allegation against the petitioner and period of custody, the petitioner shall file affidavit before the Court below to the extent that he will financially support and take proper care of the informant and her child. If such affidavit is filed on behalf of petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Jehanabad in connection with Jehanabad Mahila P.S. Case No. 36 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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