

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34944 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Mukesh Kumar @ Nemi Kumar Son of Dhenuk Baitha @ Dhanush Baitha
Resident of Village - Mirpur, P.s.- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Rubi @ Rubi Rani, W/o Mukesh Kumar @ Nemi Kumar , D/o
Hiraman Baitha @ Raman Resident of Village - Shekhauna, P.s.-
Ghodasahan, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Complaint Case No. 40 of 2021/T.R No. 630 of 2022 dated

01.02.2021, in which cognizance has been taken under

Sections 341, 323, 498(A), 307, 504, 506 and 34 of the



IPC and Section 3/4 of the Dowry Prohibition Act.

The prosecution case as emerging from the FIR is that the marriage of the informant, namely, Kumari Rubi was solemnized with the petitioner according to Hindu rites and customs on 12.05.2018. After sometimes the husband and his family members started torturing her for non-fulfillment of illegal demand of an amount of rupees one lakh and a Scorpio car. Ultimately, they ousted the victim.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the accused-petitioner is the husband of the informant. He also submits that the petitioner is willing to keep his wife along with him in his matrimonial home with all love and dignity and that is why he has also filed one matrimonial case under Section 9 of the Hindu Marriage Act in the Family Court. He further submits that the whole allegation is completely false and fabricated and lodged only on account of matrimonial discord.

The petitioner has been languishing in jail since 20.04.2022.



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

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 saying that the alleged offence is serious in nature and the petitioner is the husband of the complainant.

Considering the aforesaid facts and circumstances, particularly the nature of allegation 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 ACJM, Sikrahana (at Dhaka) District- East Champaran in connection with Complaint Case No. 40 of 2021/T.R No. 630 of 2022 dated 01.02.2021 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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