

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35975 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- MAHILA P.S. District- Nawada

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Kamlesh Kumar Kamal Son Of Ravindra Choudhary R/O- Vill-Baksoti, P.S.- Govindpur, Dist.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Baby Kamal W/O Kamlesh Kumar Kamal, D/O Suresh Choudhary R/O- Vill- Baksoti, P.S.- Govindpur, Dist.- Nawada Presently R/O- Vill- Choudhary Nagar, P.S.- Nagar, Dist.- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Rina Sinha
	:	Ms. Bandana Singh
For the Opposite Party/s	:	Mr. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Nawada Mahila P.S. Case No. 44 of 2021 lodged under Sections 341/323/504/506/147/354(B)/498(A),494 of the I.P.C. and 3/4 D.P. Act.

As per the prosecution case, the marriage of the informant was solemnized with the petitioner on 08.02.2006 and she started living with the petitioner and from their conjugal life one male child born, who is at present aged about 14 years and

presently residing with the informant. Allegations of demand of dowry, non-fulfillment of her demand and of cruelty are there. Allegation has also been made that the petitioner married on 16.10.2021 with another lady.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. Learned counsel further submits that petitioner's wife (informant) has illicit relation with one Ajit Kumar Choudhary. Learned counsel for the petitioner submits that petitioner's wife is leading adulterous life. Learned counsel submits that petitioner is in custody since 27.04.2022 and charge sheet has already been filed in this case and there are 2 criminal cases pending against the petitioner and both are filed by the wife.

On the other hand, learned counsel for the informant appeared in this case and vehemently opposes the prayer for bail. Learned counsel for the informant submits that informant is ready to live with her husband happily but the husband may be directed to pay a basic minimum amount to her.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Dr. Kanchan Prabha, J.M. 1st Class, Nawada in connection with Nawada Mahila P.S. Case No. 44 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. The petitioner shall pay Rs/- 3,000 per month to the in the account of informant form the day she shall start living with her husband. The same amount shall be deposited in the account of the wife. In case of any dispute relating payment of money, the trial Court is directed to send this matter to mediation and thereafter shall cancel the bail bond, if the trial Court finds that husband is intentionally not paying money to the wife.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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