

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39690 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA PS District- East Champaran

Ram Kishore Singh Son of Harikant Singh Resident of village- Kauriya, P.S.-
Madhuban, District- East Champaran, presently residing Mohalla-
Baikunthpuri, P.S.- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushani Kumari Wife of Ram Kishore Singh, Daughter of Jitendra singh
Resident of Mohalla- Chandmari Near M.S. College, Motihari, P.S.- Town,
District East Champaran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Chaubey, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-09-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Motihari
Mahila P.S. Case No. 11 of 2022 registered for the offence under
Sections 498(A), 307, 406, 506 and 34 of the Indian Penal Code
and Section 3/4 of the D.P. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.05.2022.



The allegation against the petitioner is to cause cruelty against the informant, who is the wife, with further allegation to assault by showing service revolver with intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that the informant is under habit to file such false complaint/cases, as prior to this F.I.R., a false complaint was lodged in the year 2019. It is submitted that informant/wife is under influence of her mother, as petitioner is not fulfilling their demand of Rs. 7 lakh for the purpose of marriage of youger sister of the informant. It is further submitted that the face of F.I.R. is not speaking that any assault was made with intention to cause death. It is also submitted that allegation, as regard to demand of dowry, is very much general and omnibus against this petitioner, and it appears very improbable that alleged demand of dowry was made after nine years of marriage, where petitioner is working in CID as police constable. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded



that this is the second complaint filed by the informant.

In view of the facts and circumstances, as mentioned above, as allegation of cruelty is general and omnibus, where petitioner is in custody since 07.05.2022 coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motihari Mahila P.S. Case No. 11 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Mritunjay Kumar, who is the brother-in-law (*Behnoi*) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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