

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40279 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- SONEPUR District- Saran

Manoj Rai @ Manoj Kumar S/O Arjun Rai Resident Of Village- Rahar
Diyara, P.S.- Sonepur, District- Saran At Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibha Devi W/O Manoj Rai And D/O Raj Kumar Pandi Resident Of
Village- Rahar Diyara, P.S.- Sonepur, District- Saran At Chapra (Bihar) At
Present Residing At Village- Parvejabad, P.S.- Sonepur, District- Saran At
Chapra (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

For the Informant/s : Mr. Samarjeet Singh, Advocate

: Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with
Sonepur P.S. Case No. 255 of 2022 registered for the offences
punishable under Sections 498(A), 323, 504, 506 and 34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

As per the allegation, the petitioner who happens to



be husband of the informant along with his parents subjected the informant to torture and in respect of the said cruel behaviour the informant had earlier filed a petition before the Superintendent of Police, Sonapur and thereafter on 14.04.2022 the petitioner with some unknown persons came at the *Naihar* (wife's paternal home) of the informant and started demanding Rs.5 lacs, a gold chain and other articles from the informant and also threatened to kill the informant.

The main submissions advanced by learned counsel Mr. Rakesh Kumar for the petitioner are that the petitioner has been languishing in jail since 01.06.2022 in the instant case and prior to institution of the present case the informant had lodged Sonapur P.S. Case No.138 of 2019 with the same nature of allegations of cruelty and the details of the said case was not given in the FIR of instant case by the informant intentionally. Further submission is that as per the FIR the alleged occurrence was committed on 12.04.2022 but the FIR was lodged on 15.04.2022 and the delay has not been explained by the informant. Further submission is that in the impugned order the learned Court below has wrongly mentioned the numbers of earlier marriages of the petitioner and the same has been shown as four marriages but in actual petitioner had solemnized only



one marriage before solemnizing marriage with informant and the said fact gets support from the complaint petition filed by the informant in connection with Sonepur P.S. Case No. 138 of 2019. Further submission is that the informant had also solemnized marriages with other persons before the marriage with this petitioner and the petitioner and the informant belong to different caste and the marriage between them was inter-caste.

Learned counsel Mr. Samarjeet Singh and Mr. Manish Chandra Gandhi appearing for the informant as well as learned APP Mr. Ganesh Prasad Singh for the State have opposed the bail prayer and submitted that against the petitioner there is serious allegation and he is habitual of committing cruelty with the informant and in the present time the informant is facing much hardships and there are several cases running in between the parties, on account of informant's poor economic condition the petitioner must be directed to pay some maintenance to the informant if his prayer is considered.

Having regard to the facts and circumstances of the case and considering the above submissions and mainly taking into account the facts that in between the petitioner and the informant who are husband and wife a tense relation has been



running since year 2018 and litigation has been running since 18.03.2019 and in between them matrimonial relation established on 30.04.2018 and in respect of the cruel behavior allegedly committed by petitioner and his family members a complaint case had already been lodged by the informant which was sent to the police for investigation bearing Sonapur Case No. 318/19, and also taking into account petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Sonapur P.S. Case No.255 of 2022, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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



(3) One of the bailers shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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