

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40829 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

Prince Kumar @ Avinash Kumar Son of Ramanand Sah Resident of Village -
Sahabad, P.s.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Advocate.
For the State	:	Mr. Md. Mushtaque Alam, APP.
For the Informant/s	:	Mrs. Geeta Kumari Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 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 as well as
learned counsel for the informant and the learned APP for the
State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 64 of 2021 registered for the offences
punishable under Sections 498(A), 504, 506/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

As per the prosecution, the informant was married to
this petitioner in the year 2019 and both were living happily
together, but thereafter all of a sudden this petitioner and his
family members asked the informant to give access to her salary



account to this petitioner and demanded a cash of Rs. 10 lacs and motorcycle and on account of the said dowry demand the informant was humiliated by this petitioner and his family members.

The main submissions advanced by learned counsel Mr. Manoj Kumar Jha appearing for the petitioner are that the petitioner is an employee in Railway Department and presently posted at Katni, Madhya Pradesh and informant is a lady constable posted at Naugachia, Bhagalpur and as per the FIR the main allegation of demand of money was attributed against the family members of the petitioner and later on as per the FIR the informant was not allowed to enter into her Sasuraal but at that time the petitioner was not present at his home, in fact the petitioner had filed a Matrimonial suit No. 75 of 2020 under Section 9 of the Hindu Marriage Act in the Family Court, Bhagalpur prior to the institution of the present matter and in that case informant appeared and filed a written statement and after the lapse of ten months from the date of filing of the written statement she filed the instant case. Further submission is that the petitioner has been languishing in jail since 24.02.2022 and he is still ready to keep the informant in his company.



Learned APP Mr. Md. Mushtaque Alam appearing for the State as well as learned counsel Mrs. Geeta Kumari Jha appearing for the informant have vehemently opposed the bail prayer and submitted that the petitioner does not deserve to the privilege of bail and the informant is ready to live in the company of the petitioner if proper steps would be taken by him in this regard.

Having considered the facts and circumstances of this case and mainly taking into account the petitioner's custody period and also the fact that in between the petitioner and the informant the Matrimonial Suit filed under Section 9 of the Hindu Marriage Act is pending and during the course of argument learned counsels appearing on behalf of both the spouses have shown willingness of the spouses to lead the conjugal relationship together and in this regard according to them a conciliation can be made before the Family Court where the petitioner's above mentioned suit is pending and also taking into account the fact that the informant and the petitioner are government employees and both are educated persons, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten



Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-II, Bhagalpur in connection with Mahila P.S. Case No. 64 of 2021.

(Shailendra Singh, J.)

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