

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55453 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- ITARHI District- Buxar

RAKESH RAI SON OF JAGDISH RAI RESIDENT OF VILLAGE-
DEOKULI, POLICE STATION- ITARHI, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-04-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Itarhi P.S.Case No. 59 of 2021 for the offences punishable under Sections 498A and 379 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 10.02.2021 on account of payment of some wages to the labourer quarrel taken place and all the F.I.R named accused persons including the petitioner (husband) assaulted the informant with lathi, Danda and fists. The informant also alleged that her husband (petitioner) whatever earns use to give to her Gotni for which, she protested on which the husband



always assaulted her.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner happens to be the husband of the informant but as he wants to live with joint family which causes annoyance to the informant. It is submitted that there is general and omnibus allegation of assault and there is no allegation of any torture on account of demand of dowry etc. It is next submitted that the injuries sustained to the informant have been caused to be simple in nature and moreover, this petitioner is in custody since 14.07.2021. Apart from the fact the investigation has completed and the charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that the petitioner failed to discharge his duty of being husband and he brutally assaulted his wife.

Having heard the rival contentions of the parties and taking into consideration the fact that occurrence has taken place on a trivial matter not on account of demand of dowry. Apart from the fact, the injuries sustained to the informant have been found to be simple in nature and the petitioner is in custody since 14.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S.Case No. 59 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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