

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45875 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RIVILGANJ District- Saran

Awadhesh Kumar @ Chhotan Ram Son Of Dinanath Ram Resident Of
Village - Semariya Khurd, P.S. - Revilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2022 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 and the
learned APP for the State through video conferencing.

Petitioner seeks regular bail in connection with
Rivilganj P.S. Case No. 297 of 2021 registered for the offences
punishable under Sections 323, 341, 498(A), 372 and 366 of the
Indian Penal Code.

As per the prosecution, the informant/complainant
was subjected to torture by the petitioner who happens to be her
husband and she was sold to a brothel house.

The main submissions advanced by the learned
counsel Mr. Dewendra Narayan Singh appearing for the



petitioner are that the petitioner is admittedly husband of the complainant/informant and as per the allegation made in the complaint petition the alleged occurrence had taken place on 23.08.2019 but the complaint was filed two years after the alleged occurrence, in fact the complainant voluntarily left the house of her parents along with this petitioner and solemnized marriage with him according to her free will and the said relationship was accepted by her before the Judicial Magistrate in connection with Rivilganj P.S. Case No. 40 of 2017 which was lodged by the father of the complainant and during the course of investigation most of the important witnesses examined have not supported the allegation made in the complaint petition and moreover the petitioner is now in judicial custody and languishing in jail since 18.05.2022.

Learned APP Md. Nazir Ansari appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions and mainly the delay committed by the complainant in filing the complaint petition against the petitioner as mentioned above and also taking into account the custody period of the petitioner and his clean antecedent mentioned in his petition, in the opinion of this Court



a lenient approach can be taken in respect of the 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 the concerned Court in connection with Rivilganj P.S. Case No. 297 of 2021.

(Shailendra Singh, J.)

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