

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56717 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- CHANDAN District- Banka

Ajay Sharma Son Of Yugal Sharma R/O Village- Kharna, P.S.- Anandpur
(O.P.), Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Chandan (Anandpur) P. S. Case No. 156 of 2020 registered for the offences punishable under Section 498(A) and 494 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case is that the marriage of the petitioner was solemnized with the informant, namely, Puspa Devi on 17.05.2019 and at the time of marriage cash and other gift items were given to the family of the husband. It is further alleged that the petitioner along with his family members subjected her to cruelty for demand of dowry.

Learned counsel for the petitioner submits that the



petitioner is a poor labourer and he is in custody since 25.08.2020 and he is ready to keep the informant as his wife with full dignity and honour. The counsel for the petitioner draws the attention of the Court towards the impugned order showing that the informant is not ready to live with her husband/petitioner. However, the order also depicts that the accused persons/ petitioner is also not ready to keep his wife, due to second marriage of the petitioner.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having heard the learned counsel for the petitioner as well as the learned APP for the State and taking into account, the materials available on record and the fact that the petitioner, who is the husband, is in custody since 25.08.2020 and he has given undertaking that he is ready to keep his wife with full dignity and honour and further, he denied the allegation to second marriage, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Banka in connection with Chandan (Anandpur) P. S. Case No. 156 of 2020, subject to the condition that one of the bailors will



be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will file an affidavit, stating that he is ready to keep his wife with full dignity and honour, before the Court below and whereupon the wife of the petitioner will be called upon and the Court below will pass an appropriate order on the said Application.
- (ii) The petitioner will cooperate in conclusion of the trial.
- (iii) He will remain present on each and every date of trial till disposal of the case.
- (iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

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(Harish Kumar, J)

