

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50169 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA P.S. District- Madhepura

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ASHISH KUMAR SAH Son of Late Panchanand Sah Resident of village -
Murliganj, Ambedker Tola, Ward No.- 11, P.S.- Murliganj, District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and

Mr. Jitendra Kumar Singh, learned APP who represents

the State.

Let the defect(s), if any, as pointed out by the

office be removed within four weeks.

The petitioner is in judicial custody in

connection with Madhepura Mahila P.S. Case No. 11 of

2022 for the offences under Sections 498-A, 323, 504/34

of the Indian Penal Code.

As per the prosecution story, the informant is

married to the petitioner since last one decade and are

blessed with two children but is often assaulted for want

of dowry in which his family members also participate.



Accordingly, the FIR lodged and he is in custody since 12.5.2022 (as stated in para-17 of the bail application).

Learned counsel for the petitioner submits that as would appear from the order-sheet of the learned Sessions Judge itself, the petitioner is always ready to keep his wife with full dignity in view of the fact that she married with him since last decade and blessed with two children but it is his misfortune that despite best of his effort, she does not like to reside with him. It is further submitted that in this connection, the petitioner has already filed a Matrimonial Case No. 15 of 2022 in the Court of learned Principal Judge, Madhepura for restitution of conjugal rights.

The learned counsel submits that the petitioner once again undertakes that once released on bail, he will take every effort to keep his wife with him with full dignity and would ensure that she is not harmed anyway.

Taking into account the said undertaking as also that he has filed the aforesaid case (Matrimonial case No. 15 of 2022) before the learned Principal Judge, Madhepura and that he is in custody since 12.5.2022 (as stated in para-17 of the bail application), this Court is



inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Madhepura, in connection with Madhepura Mahila P.S. Case No. 11 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail



bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay-

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