

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61686 of 2021**

Arising Out of PS. Case No.-152 Year-2020 Thana- MAHESHKHUNT District- Khagaria

Raj Kumar, Son of Brahamdeo Mahto, Resident of Village - Sanha Nayatola,
P.S.- Sahebpour Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari D/o Hardayalnagar P.S.-Maheshkhunt, Distt.- Khagaria,
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 05-09-2022 Since, the mother of opposite party no.2 has received
the notice, as such, the same is accepted to be validly served.

Despite the service of notice, she has chosen not to
appear and hence, the matter is put up for hearing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Maheshkhunt P.S. Case No. 152 of 2020
registered for the alleged offences under Sections 323, 307, 498
(A) of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.



As per the prosecution case, the petitioner is the husband of the informant-opposite party no.2 and the allegation is that of demand of dowry, assault, torture and cruelty against the petitioner and other co-accused persons.

The learned counsel for the petitioner submits that the the complaint petition has been filed quite belatedly and on the basis of that complaint, the FIR has been registered. For an occurrence stated to have taken place on 26.04.2018, the complaint was filed on 03.10.2020 and the FIR was registered on 03.12.2020. The whole prosecution case is false and concocted. The petitioner has never solemnized marriage with the informant, who was already married with one Sonu Kumar. Though negotiation of marriage was held but on coming to know about earlier status of marriage of the informant, the father of the petitioner refused to marry the petitioner with the informant and for this reason, this false case has been lodged. There is no injury report of informant on record, though the allegation is under Sections 323 and 307 IPC. There is no cogent material against this petitioner collected by the police during investigation. The learned counsel further submits that the petitioner has been granted provisional bail by a Coordinate Bench of this Court vide order dated 11.04.2022.



Learned A.P.P. opposes the prayer for bail submitting that there is specific allegation against the petitioner and other co-accused persons.

Having regard to the facts and circumstances and submissions made hereinabove, the provisional bail granted to the petitioner in connection with Maheshkhunt P.S. Case No. 152 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Khagaria vide order dated 11.04.2022 is hereby confirmed, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

