

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62213 of 2021

Arising Out of PS. Case No.-310 Year-2021 Thana- SAKRA District- Muzaffarpur

Sumit Kumar S/O Arun Chaudhary R/O Village-Ratanpura, P.S-Bhagwanpur,
District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam

For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Sakra P.S. Case No. 310 of 2021 registered for the alleged offences under Sections 341, 323, 387, 417, 494, 495, 498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act.

As per prosecution case, the informant was tortured and treated with cruelty by the petitioner, who is husband of the informant, and other co-accused person. They had also made demand from the father of the informant to part with some land.



Petitioner also tried to take away the daughter of the informant without her consent.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case as it was a case of love-marriage and during Covid, due to some financial constraints, the petitioner left his rented accommodation in Hajipur where they have been leaving separately and came to stay at his parental house. The dispute started arising and the informant left her matrimonial home and went on to live in her parental house. The informant has roped in all the family members of the petitioner. The brother of the petitioner resides with his family in Siliguri where he is working in SSB as Inspector and the sister of the petitioner stays in Himachal Pradesh along with her husband, who is in army. So a false case has been instituted by the informant against the family members of the petitioner. Further even if the allegation made in the FIR are taken to be true, the petitioner has suffered incarceration for a long time. Charge sheet has been submitted in this case and the petitioner is in custody since 22.06.2021

Learned counsel appearing on behalf of the informant and learned APP for the State opposes the prayer for bail of the petitioner. Learned counsel for the informant submits that the



the informant has been left standard with her daughter and if settlement could be arrived between the parties or some maintenance is ordered to be given, the petitioner may be released on provisional bail so mediation could be tried to resolve the dispute.

Learned counsel appearing on behalf of the petitioner is not amenable to the suggestion made on behalf of the learned counsel for the informant.

Having regard to the facts and circumstances and considering the period of custody of this petitioner along with the nature of allegation against him and taking into consideration the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-12 Muzaffarpur in connection with Sakra P.S. Case No. 310 of 2021, 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 the person, who has sworn the affidavit.
- (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.

(Arun Kumar Jha, J)

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