

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63126 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- TELHARA District- Nalanda

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Raja Kumar, Son of Late Ramanand Prasad, Resident of Village- Khanpur,
Post- Kushhalpur, P.S.- Telhara, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For the Informant	:	Mr. K. Vishokanand, Advocate
		Mrs. Nilam Kumari, Advocate
For the State	:	Mr.Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 06-12-2022 The report of learned Mediator has been received which shows that the parties have failed to settle their dispute through process of mediation. Earlier, the petitioner has been granted provisional bail vide order dated 28.03.2022 passed by a Coordinate Bench of this Court.

Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Telhara P.S. Case No. 91 of 2021 registered for the alleged offences under Sections 498(A)/34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

As per prosecution case, the informant is the wife of the petitioner and she has alleged that she was assaulted and tortured by the petitioner and other co-accused persons and they have been demanding Rs. 3,00000/- and other articles.

Learned counsel for the petitioner submits that petitioner is a handicapped person and has been falsely implicated in this case. It was a love marriage of the petitioner and the informant and prior to the said marriage, both were already married with other persons. The informant lodged Islampur P.S. Case No. 264 of 2021 dated 20.05.2021 under Section 498A and other allied Sections of the I.P.C. and prior to that she had filed Islampur P.S. Case No. 514 of 2020 dated 27.08.2020 under Section 498A and other allied Sections of the I.P.C against the petitioner and others. In quick succession, she has filed the present case on 18.06.2021. Learned counsel further submits that the informant is in the habit of filing false cases against the petitioner as she has been pressurizing the petitioner to register his property in her name. Learned counsel further submits that the informant is a temperamental lady and has been demanding money from the petitioner and on his refusal, she has filed a false case against the petitioner and his family members. Learned counsel further submits that the injuries on the informant are stated to be simple in nature. The petitioner always wanted to keep his wife with full honour and dignity but she refused to stay with the petitioner and for this reason, the mediation failed as she has further been insisting

on registration of property in her name. The petitioner is in custody since 29.07.2021 and provisional bail was granted vide order dated 28.03.2022. Charge sheet has been submitted in this case.

Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the petitioner assaulted the informant and injury report brought on record shows this fact. Learned counsel further submits that if the petitioner is granted bail, some maintenance be fixed for the lady informant of this case.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties, the provisional bail granted to the petitioner vide order dated 28.03.2022 is confirmed, subject to the conditions mentioned in Section 437(3) of the Cr.P.C.

The informant may take-up the issue of maintenance before the learned Family Court.

(Arun Kumar Jha, J)

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