

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68814 of 2021**

Arising Out of PS. Case No.-365 Year-2021 Thana- WAJIRGANJ District- Gaya

=====

MUKESH SINGH Son of Late Murari Singh Resident of Village- Kadhariya,
P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Today this case has been listed on the urgent motion
slip filed by the learned counsel for the appellant.

Heard Mr. Manish Kumar No. 2, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Wazirganj P. S. Case No. 365 of 2021
registered for the offences punishable under Sections 341, 342,
323, 307 and 504 of the Indian Penal Code and Section 37 (2) of



the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is based on a written report filed by the informant alleging therein that her marriage was solemnized with the petitioner, 15 years ago and they blessed with two children, however, for the last ten years, the petitioner has been continuously fighting with her and earlier also she was brutally assaulted by her husband due to which she received severe injuries. It is also submitted that later on, compromise has taken place and she started living with her husband again. On 11.08.08.2021, she was beaten by her husband in a drunken state and this petitioner assaulted her by means of bamboo over her head due to which she sustained serious injuries.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the marriage was solemnized, 15 years ago and prior to the institution of this case, there had never been any complaint or F.I.R. instituted against the petitioner with regard to the conduct of the petitioner. It is also submitted that there are two children born out from the wedlock of the petitioner and the informant and they are living with the petitioner. It is further submitted that though, there is allegation that she was assaulted by means of bamboo over her head but from the impugned order, it does not reflect that any



grievous injury has been received. It is last submitted that the petitioner being husband had suffered a lot as he is in custody since 13.08.2021, having fair antecedent and moreover, after completion of the investigation, charge sheet has been submitted and there is no chance of his absconding of the petitioner or tampering with the evidences.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner that he assaulted his wife mercilessly.

Regard being had to the submissions made on behalf of the parties and taking into account the period of incarceration and the injuries allegedly sustained to the informant and further, the chance of reconciliation, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge of Excise Act, Gaya in connection with Wazirganj P. S. Case No. 365 of 2021, 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) In future, if the petitioner would find indulge in



such type of offence against the informant, the informant would be at liberty to file an application for cancellation of his bail.

- (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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

