

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71744 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- SHAMBHUGANJ District- Banka

Manish Jaishwal @ Manish Jaiswal S/o Raj Kumar Choudhary R/o Mohalla-
Sonar Toli, P.O. and P.S.- Khaje Kalan, Patna City, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Mitu Kumari D/o Shambhu Chaudhary, W/o Manish Jaiswal R/o village-
Karsop Shambhuganj, P.O. and P.S.- Shambhuganj, District- Banka

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner, the State
and the informant, who appears on behalf of Mitu Kumari, the
wife of the petitioner.

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

The petitioner is in jail since 21.9.2021 in connection
with Shambhuganj P.S. Case No. 153 of 2021 registered under
sections 341, 323, 498(A), 504, 506 and 34 of the Indian Penal
Code and section 3 and 4 of the Dowry Prohibition Act.

As per the allegation, the marriage was solemnized
on 1.12.2019 and jewellery and cash amount to the tune of 7-8
lakh were gifted. Subsequently, some more demand came



whereafter, it is alleged that informant's father again gave to Rs. 3 lakh. However, their demand continued and finally she had to leave her husband's house and came back to her parents' house followed by lodging of this FIR.

Learned counsel for the petitioner submits that this is the counter-blast to the Matrimonial Suit that he has preferred on 2.6.2021 vide Matrimonial (Divorce) Case No. 594 of 2021 in the Court of learned Principal Judge, Family Court, Patna. He submits that a bare perusal of the date of FIR would show that upon knowledge of the said case, FIR was instituted on 5.7.2021.

Learned counsel for the informant submits that while the petitioner is trying to end the relationship, she is inclined to live with him and lead a happy life. She further submits that on her part she wants to give this relationship a chance and further submission is that despite being in her parents' house, she needs money from the petitioner for her day-to-day expenses.

Since the Matrimonial (Divorce) Case No. 594 of 2021 has already been filed, all the grievances that the petitioner has/have can be raised before the said Court and the order to that effect can be passed accordingly.

So far as this case is concerned, to give a chance to



the said relationship, it is necessary that the petitioner comes out of the jail so that the matter is taken up by the learned Court below.

Considering the fact that the petitioner is in jail since 21.9.2021, charge-sheet stands submitted and even the side of the informant wants to give a chance to this relationship, this Court is inclined to grant him the privilege of bail.

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 ACJM-IV, Banka, in connection with Shambhuganj P.S. Case No. 153 of 2021(G.R. No. 839 of 2021).

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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