

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61354 of 2022

Arising Out of PS. Case No.-21 Year-2017 Thana- SUHAIL District- Gaya

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Jitendra Kumar @ Jitendra Yadav S/o Sonu Yadav R/o Phulwariya, P.S.-
Suhail, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Devi W/o Jitendra Yadav @ Jitendra Kumar R/o Phulwariya, P.O.
Saraiya, P.S.- Suhail, Distt- Gaya. At present Village- Koshiyara, P.S.-
Partapur, Distt- Chatra(Jharkhand).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Pandey
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Suhail

P.S. Case No. 21 of 2017 registered for the offence under

Sections 341, 323, 379, 498(A) of the I.P.C and Sections 3 and 4

of Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 27.04.2022.

The allegation against the petitioner is to commit

cruelty against his wife due to non-fulfilment of the demand of



dowry.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was granted provisional bail by learned Trial Court itself, vide BP No. 242 of 2017 with condition that he would keep his wife with dignity and care but subsequently, as he failed to keep his words, the provisional bail was cancelled by learned Trial Court itself and thereafter, out of fear petitioner never appeared before learned Trial Court and subsequently, arrested on 27.04.2022. It is submitted that petitioner is ready to pay Rs. 1,500/- (Rupees Fifteen hundred) per month as an interim maintenance to his wife subject to the outcome of learned Family Court, Chatra, Jharkhand, where maintenance petition No. 03/2018 is pending. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is ready to pay Rs. 15,00/- per month, as interim maintenance, where he is in custody since 27.04.2022, coupled with the fact that charge-sheet has been submitted, let



the petitioner, above named, is directed to be released on bail in connection with Suhail P.S. Case No. 21 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati (Gaya)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions as:

(i) In terms of undertaking, petitioner is directed to pay Rs. 1,500/- per month to informant/wife positively on or before 7th day of every english calendar month in her given bank account or before the Court duly acknowledged by informant/wife.

(ii) On failing for two consecutive months, the learned Trial Court shall at liberty to cancel the bail bonds of the petitioner.

(Chandra Shekhar Jha, J)

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