

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2307 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- BARGAINIA District- Sitamarhi

Mrityunjay Son Of Sri Umesh Prasad Sharma R/O Village- Pachtaki Ram,
P.S.- Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simmi Mishra Wife Of Mrityunjay, D/O Sunil Mishra R/O Village- Pachtaki Ram, P.S.- Bairgania, District- Sitamarhi, At Present R/O Block A-1, Gali No.18, House No.024, Bangali Colony Sant Nagar, Burari, Delhi- 110084

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-05-2023

Heard counsels for the parties

The petitioner is apprehending his arrest in connection with Bairgania PS Case No. 195 of 2022 for the offence registered under Section 498(A)/34 of the I.P.C. and 3/4 of the Dowry Prohibition Act.

As per the prosecution case, all the accused persons including this petitioner tortured the informant due to non-fulfillment of demand of dowry and ultimately ousted her from her matrimonial home.

It is submitted that petitioner has falsely been implicated in the present case due to petty family dispute. There is general and omnibus allegation of demand of dowry and torture against the petitioner. It is next submitted that petitioner



is ready to keep his wife (informant) with full dignity and honour. It is further submitted that there is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the informant. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**. Petitioner has got clean antecedent.

Counsel for State however vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Bairgania PS Case No. 195 of 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

vinita/-

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