

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6116 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

HEMANT KUMAR Son of Janardhan Yadav Resident of Mohalla- Daultpur
Railway Colony Quarter NO.-759, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Lakhisarai Mahila P.S. Case No. 30 of 2022 registered for the offences punishable under Sections 341, 323, 498(A), 313 and 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per the prosecution, the informant (victim) alleged that the petitioner and her in-laws used to torture her physically and mentally on account of non-fulfillment of demand of money



and the petitioner compelled her for miscarriage. It is further alleged that despite the repeated directions of the Family Court to keep the informant with the petitioner, the petitioner did not comply with the said directions and abandoned her.

The main submissions advanced by petitioner's counsel are that the date of occurrence is stated to be 17.06.2022 but the FIR was lodged on 02.07.2022 and the allegation of offence of Section 313 of the Indian Penal Code is completely false and in this regard Annexure-2 can be perused which is a letter issued by *In-Charge Medical Officer* of Primary Health Center, Jamalpur in which it has been mentioned that the informant was not treated for miscarriage on 05.08.2019 at his health center and in this regard the informant who happens to be wife of this petitioner made a false statement before the trial Court and also filed a forged document. Further submission is that the petitioner has been languishing in jail since 05.09.2022 and during investigation many material witnesses denied the allegation of second marriage.

Learned counsel appearing for the informant as well as learned APP appearing for the State has vehemently opposed the bail prayer and submitted that against the petitioner there is a serious allegation of physical torture committed by him with



his wife and he has contracted second marriage and presently residing with his second wife.

Considering the aforesaid facts and mainly the petitioner's custody period and also the fact that in between the petitioner and the informant, who happen to be husband and wife, there are several litigations which are running in between them as reflects from the FIR itself and the Annexure-2 goes against the allegation of committing miscarriage, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above 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 the Court concerned in connection with Lakhisarai Mahila P.S. Case No. 30 of 2022.

(Shailendra Singh, J)

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