

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20905 of 2023

Arising Out of PS. Case No.-73 Year-2019 Thana- MASHRAK District- Saran

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Anuj Kumar, Son of Singar Ram, R/V- Mashrakh Tole Ben Chapra P.s-
Mashrakh Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi, Wife of Anuj Kumar, D/o Nageshwar Ram At present a R/V-
Siuri P.O- Dumarson Bangra, P.S- Mashrakh Dist- Saran

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mashrakh P.S. Case No. 73 of 2019 registered for the alleged offences under Sections 498(A), 384 and 323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, petitioner is the husband of the complainant/informant and he used to demand of Rs. 50,000/- as dowry and when this demand was not met, the informant was tortured and treated with much cruelty by the petitioner and his family members. Lastly the informant was driven out from her matrimonial home and her ornaments, clothes and utensils were retained by the petitioner.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant was never tortured in any manner and no unlawful demands were made by the petitioner. The allegation of assault is false as she has not sustained any injury. The petitioner always wanted to keep his wife with full dignity and honour but she was not ready for the same and a *panchayati* was held where they decided to live separately. Still the informant filed the present case in order to extort money from the petitioner's family. The petitioner is in custody since 08.12.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner is the husband and there is specific allegation of torture related to demand of dowry against him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Saran at Chapra/court concern in connection with Mashrakh P.S. Case No. 73 of 2019, subject to the



condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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