

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34994 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- BELSAND District- Sitamarhi

Md. Javed Son of Mohammad Sahid, R/O Vill.- Jaffarpur, Ward No.- 10, P.S.- Belsand, Jafarpur, Dist.- Sitamarhi 843316.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Adil Abbas, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Belsand P.S. Case No. 88 of 2022 registered on 04.07.2022 for the alleged offences under Sections 341, 323 498(A) and 494/34 of the Indian Penal Code.

03. At the outset, learned counsel for the petitioner submits that there is mistake in paragraph no. 8 of the bail petition and he may be allowed to correct the same.

04. Learned counsel for the petitioner is permitted to do so in course of the day.

05. As per prosecution case, the petitioner is the husband of the informant and there is allegation of mental and



physical torture as the informant could not beget any child. Further allegation is that of assault and driving away the informant from the house of the petitioner by the petitioner and other co-accused persons.

06. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has re-married with the consent of the informant but after the second marriage of the petitioner the informant and others started harassing him for monetary benefits. The learned counsel further submits that the petitioner wanted to keep the informant and he filed a petition for restitution of conjugal rights bearing Matrimonial Case No. 252 of 2022 whereas the learned family court directed the informant to go with her husband. The informant was willing to go with the petitioner but the family members of the petitioner objected and they even assaulted the petitioner in the court premises for which Dumra P.S. Case No. 08 of 2023 was registered. Learned counsel further submits that from the FIR it is apparent that the alleged occurrence took place on 24.05.2022 whereas the FIR has been lodged on 04.07.2022 and there is no satisfactory explanation for so much delay in lodging the FIR. The petitioner is in custody since 08.01.2023 and charge-sheet has been



submitted.

07. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the informant is a hapless lady and she has nowhere to go as her father is an old age person. So the petitioner may be asked to keep the informant with him at her matrimonial home.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of dispute which appears to be matrimonial discord and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, Sitamarhi/ court concerned in connection with Belsand P.S. Case No. 88 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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.

So far as contention of learned counsel for the informant about petitioner keeping his wife is concerned, already a case for restitution of conjugal right bearing Matrimonial Case No. 252 of 2022 is pending in the Family Court, Sitamarhi. The informant may take recourse of the Family Court if she is willing to stay with the petitioner.

(Arun Kumar Jha, J)

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