

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34868 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- PATRAKARNAGAR District- Patna

Rajesh Kumar Son of Ramashish Singh R/o 29, S.K. Colony, Kankarbagh,
P.S. - Patrakar Nagar, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Rajesh Kumar R/o Malahi Pakri Chok, 29, S.K. Colony, Kankarbagh, P.S. - Patrakar Nagar, Distt. - Patna at presently residing D/o Vinod Kumar Singh, Add- Vidyadhar (Ward no. 6), P.S. -Khagaria, Distt. - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate
	:	Mr. Onkar Nath, Advocate
	:	Mr. Girish Pandey, Advocate
For the Opposite Party/s	:	Mr. Ram Vinay Prasad Singh, Advocate
For the State	:	Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 24-06-2023 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 Patrakar
Nagar P.S. Case No. 249 of 2023 (P.T.N. No.
BRPA02P0031902023) registered for the offence under Sections
109, 328, 498(A), 341, 342, 323, 504 and 120-B of the Indian
Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 08.04.2023.

The allegation against this petitioner is to commit cruelty upon informant/wife alongwith other co-accused persons/family members due to non fulfillment of demand of dowry, as raised for unexplained cash and kinds, where it is further alleged that petitioner alongwith other co-accused persons forced informant/injured to consume poison namely “Celphos” to commit suicide.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated with this case for the reason that the narration of F.I.R. is not, *prima facie*, satisfying the ingredients of Section 328 of the Indian Penal Code. It is submitted that the case is of normal matrimonial dispute and as petitioner is keeping her daughter born out of first marriage with him, present false implication was raised, as informant is not consenting to allow said daughter of petitioner living together. It is submitted that the narration of F.I.R. is not suggesting that petitioner was under knowledge about availability of poison with informant and his act is not so direct and active, which may be said to force her to consume the same. It is submitted that petitioner found involved in 4 more criminal



cases of similar nature for the reason that he was in live-in relationship there without solemnizing marriage and out of dispute and difference arises due to relationships, those cases were lodged, having otherwise no bearing over the merit of present case. 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 duly assisted by learned counsel Mr. Ram Binay Prasad Singh appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioner is a habitual offender and he committed the very same act with four innocent girls for which four separate F.I.R. were lodged at different point of time. It is submitted that petitioner being manager of a bank, presenting himself a prosperous groom cheated four innocent girls in the name of marriage. It is submitted that person like petitioner is very harmful for the society and as such he may remain in custody at least for two years to get a lesson. It is also submitted that informant is now forced to live her life in destitution and till the finding of any family Court on the point of maintenance an order of appropriate ad-interim maintenance order be passed in favour of



informant. While concluding the argument it is submitted that being manager of the Nationalized Bank i.e., Bank of India, the salary of petitioner is more than lacs.

Taking note of submissions, learned senior counsel Mr. Amit Shrivastava appearing on behalf of the petitioner as a matter of good gestures offered to pay Rs. 20,000/- per month to informant/wife till finding of concerned family court over the issue/subject.

Considering the facts and circumstances as mentioned above, and by taking note of fact as allegation of demand of dowry is appearing very much general and omnibus against petitioner, where narration of the F.I.R. is not suggesting that petitioner was under knowledge of “Celphos” (poisonous substance) with informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.04.2023 and ready to pay Rs. 20,000/- as an ad-interim maintenance to informant/wife till finding of concerned family Court over the subject, accordingly the petitioner, above named, is directed to be released on bail in connection with Patrakar Nagar P.S. Case No. 249 of 2023 (P.T.N. No. BRPA02P0031902023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That petitioner is directed to pay Rs. 20,000/- per month to informant/wife through her bank account, positively, by 7th day of every English Calendar month till finding of concerned family Court.

(ii) Learned counsel appearing on behalf of the informant is to supply the bank account details to learned counsel appearing on behalf of the petitioner, positively within two weeks as to enable petitioner to transfer maintenance amount, as directed above.

(iii) On failure of payment for two consecutive months, learned trial Court shall be at liberty to cancel the bail bond.

(iv) Amount paid, be



adjusted in terms of order passed by
learned family Court.”

(Chandra Shekhar Jha, J)

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