

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45402 of 2023

Arising Out of PS. Case No.-3288 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Sonu Kumar @ Om Prakash @ Om Prakash Kumar, S/O- Late Jay Prakash
Sharma, R/O Village- Chainpur Dariyapur, P.S- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shreeniwash Singh, S/O -Late Shiv Kumar Singh, R/O Village- Chanda,
Post -Dev, P.S.- Shekarhata, Distt.- Bhojpur (Ara). A/P- CDA, Colony, renter
of Suresh Sharwa, Near Shiv Mandir, P.S- Shashtri Nagar, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Adv.
For the State	:	Mr. Pushpa Sinha No.1, APP.
For the Informant/s	:	Mr. Dinehswar Mishra, Adv. Mr. Surendra Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. Petitioner seeks regular bail in connection with
Complaint Case No. 3288(C) of 2019 registered for the offence
punishable under Section 498(A) of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the instant case is based on
complaint filed by father-in-law of the petitioner, in which
cognizance of the offence punishable under Section 498(A) of
IPC has been taken by the Court concerned and the petitioner
has been languishing in jail since 15.07.2022 and as per the



complaint, the actual aggrieved is the wife of this petitioner and in between them, conciliation through *Mediation Center* has been done but no positive result has come out and accordingly, restitution of conjugal relationship has not been achieved in between them and moreover, the petitioner and his wife are living separately for last more than three years and the petitioner has filed a matrimonial suit for divorce and his wife has filed a case under the Domestic Violence Act and also a case under Section 125 of Cr.P.C. for the relief of maintenance, accordingly several cases are running in between the petitioner and his wife.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner earlier preferred Cr. Misc. No. 8986 of 2020 for the relief of anticipatory bail, in which he did not appear intentionally before this Court then this Court formed *Special Task Force* to produce him and now, he is not paying the maintenance amount fixed by the Court below in favour of his wife, hence, he does not deserve to the privilege of bail.

5. Learned APP appearing for the State has also opposed the bail prayer.

6. Having regard to the facts and circumstances of this case as well as considering the above submissions and



mainly the custody period of petitioner and also taking into account the several litigations running in between the petitioner and his wife, this Court is inclined to accept the bail prayer of 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 Complaint Case No. 3288(C) of 2019.

(Shailendra Singh, J)

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