

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45269 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- MAHILA PS District- Darbhanga

MITHILESH KUMAR MEET Son of Sri Subhag Lal Das Resident of
Mohalla- Chunabhatthi, P.S- L.M.N.U., Saidpur, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari, D/o Vijay Kumar Suman, R/o Vill. and P.S.-Pandaal, District-
Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Vi. Vi. Mahila P.S. Case no.23 of 2022 registered under sections 498A, 354, 323, 504 and 34 of the Indian Penal Code and under section 3 and 4 Dowry Prohibition Act.

3. As per the prosecution case, the informant-opposite party no.2 states that the accused persons of her sasural not being satisfied with the gifts/dowry given at the time of marriage, started to abuse and torture her physically as also mentally and made demand of Rs.4 lacs in cash and a four-wheeler vehicle. The accused persons assaulted her and specifically the petitioner herein who happens to be her husband



assaulted her by a rod on her head but on her escaping the same hit on her leg. She fell down injured and she was treated upon.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband. The allegations as levelled in the F.I.R. are all false and concocted and even accepting the allegations of assault for the sake of argument, the so called injury has been found to be simple in nature. The petitioner was in custody since 10.5.2022 till he was enlarged on provisional bail pursuant to order dated 9.12.2022 passed in the instant case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the Opposite Party no.2. Learned counsel for the Opposite Party no.2 submits that not only the petitioner is the husband of the informant but there is direct allegation against him of torture and physically assaulting the informant resulting in injuries to her. The injury report which was part of the F.I.R. has not been brought on record by the petitioner and thus there is material suppression on his part. The informant was ousted from the house from the date of occurrence and it was because of his adamant attitude that the case which was referred for conciliation did not materialise. She is ready for one time settlement.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, his having remained in custody from 10.5.2022 to 9.12.2022, chargesheet having been submitted in the case and the petitioner not having any criminal antecedent, the Court directs that the provisional bail granted to the petitioner in connection with Vi. Vi. Mahila P.S. Case no.23 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga, is hereby confirmed.

(Partha Sarthy, J)

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