

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4669 of 2021

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA PS District- East Champaran

RAHUL KUMAR @ RAHUL KUMAR JAISWAL @ VISHNU KUMAR
JAISWAL S/o Late Ramji Prasad Jaiswal R/o Nala Road, P.S.- Kadamkuan,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUPRIYA RAJ W/o Rahul Kumar @ Rahul Kumar Jaiswal @ Vishnu
Kumar Jaiswal R/o Sonarpatti, P.S.- Motihari Town, District- East
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Adv.
For the Opposite Party/s : Ms. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 18-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 342, 323, 307, 406,
498 A/34 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry
Prohibition Act.

3. The petitioner in association of his family members are
said to have assaulted and tortured the informant and tried to set
her on fire on non-fulfillment of demand of dowry.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged ever took place. He has been



falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The complainant had filed a maintenance case before the Family Court and the Family Court directed the petitioner to give Rs. 12,000/- (Rupees Twelve Thousand) per month to the complainant. It is further submitted that petitioner could not pay the alleged amount i.e. Rs. 12,000/- per month to the complainant as the complainant did not appear before the Court. He further submits that petitioner is ready to pay the amount i.e. Rs. 12,000/- per month along with arrears to the complainant within one year. Petitioner has no criminal antecedent.

5. Learned counsel for the complainant opposes the prayer for bail.

6. Considering the facts and circumstances, as petitioner is ready to pay Rs. 12,000/- (Rupees Twelve Thousand) per month along with arrears to the complainant within one year, let the above named petitioner, be released on **provisional** bail for one year, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned lower Court where the case is pending/successor Court in connection with East Champaran (Motihari) P.S. Case No. 31 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioner will be confirmed by the learned Court below after being satisfied that petitioner has paid all the arrears as was ordered in the maintenance case and he is regularly paying Rs. 12,000/- (Rupees Twelve Thousand) per month to the complainant.

(Anjani Kumar Sharan, J)

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