

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51374 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- MAHILA P.S. District- Sheohar

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UPADHYAY RAJ PRAKASH @ RAJ PRAKASH UPADHYAY @
UPADHYAY PRAKASH RAJ SON OF PRABHAT PRAKASH UPADHYAY
RESIDENT OF VILLAGE- SHEOHAR BBHAIRVI NAGAR, WARD NO.
15, PS- SHEOHAR, DIST- SHEOHAR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Ojha
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 323, 341, 498A, 34 of
the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

3. As per prosecution case, it is a case of cruelty with
the informant due to non-fulfillment of further dowry demand.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has



committed no offence. Petitioner is the husband of the informant. There is no any prior complaint regarding assaulting, harassment and torturing to the informant against the petitioner and others. He submitted that, while anticipatory bail petition of the petitioner was pending before the District and Sessions Judge, Sheohar, the learned Court had fixed a date for mediation between the parties on 01.06.2023 and the learned Court had granted no coercive order in favor of the petitioner, for that particular day, but before the petitioner could have taken part in mediation, the police arrested the petitioner from Motihari, while he was taking part in thread ceremony of one his relative on 30.05.2022, at the instance of the informant's brother. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 31.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Mahila P.S. Case No. 07 of 2023.

(Sunil Kumar Panwar, J)

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