

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52042 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BALIYA District- Begusarai

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Rupesh Kumar, S/o Sharveshwar Kumar Sharma, Resident of- Sabalpur, Babhantoli, P.S.- Sonapur, District- Saran. At present posted as Planning Assistant (Awar Yojna Padhakari) at Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nidhi Kumari, W/o Rupesh Kumar, D/o Pramod Kumar Resident of- Rahatpur, P.S.- Balia, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 02-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Ballia (Balua) P. S. Case No. 46 of 2022, registered for the offences punishable under Sections 420, 498(A) and 307 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.



The prosecution case as emerges from the F.I.R. is that the marriage of the informant-Nidhi Kumari was solemnized with the petitioner according to Hindu rites and customs on 08.02.2022. After some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry and ousted her. It is further alleged that when the informant went to the house of her husband, she was beaten brutally by the parents of her husband.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that Section 307 of the Indian Penal Code is not applicable in the present case, because the injury report has been prepared by private doctor and under influence of the informant and the description of the injury does not show that the injuries are grievous in nature. He further submits that investigation in this case is complete and charge-sheet has already been submitted

The petitioner has been languishing in jail since 04.04.2022.



It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case, namely, Sonapur P. S. Case No. 50 of 2018.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub-Divisional Judicial Magistrate, Begusarai, in connection with Ballia (Balua) P. S. Case No. 46 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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