

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56597 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- GAYA KOTWALI District- Gaya

Vikash Sharma Son Of Vijay Sharma R/O Surajgarh More, Adarsh Colony,
Ward No. 22, P.S.-CHIRAWA, Distt.- Jhunjhunu (RAJASTHAN) At Present
Residing At- 54 Kp Road, House Of Ambika Prasad, P.S.- Kotwali, Distt.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 15-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kotwali P.S. Case No. 328 of 2022 lodged under Sections 341,
323, 504, 506, 498(A), 34 of the I.P.C. read with Section 3/4 of
Dowry Prohibition Act.

As per the prosecution case, the allegation of bad
behaving and mental torture is there against the husband
(petitioner) and due to this reason, the F.I.R. has been lodged
against the petitioner and his family members.

Learned counsel for the petitioner submits that the

antecedent of the petitioner is clean and he is in custody since 28.07.2022 and charge sheet has already been filed in this case. Counsel submits that petitioner is trying his level best to live with his wife peacefully but his every effort had failed. Counsel submits that petitioner is ready to keep his wife with full honour and dignity but his wife is not ready to live with her.

From the order passed by the Additional District and Sessions Judge X, Gaya dated 30.08.2022, it transpires that effort has been made by the learned Court below to conciliate but failed.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 328 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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