

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60531 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- MAHILA PS District- Jehanabad

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Aashu Kumar @ Ashu Kumar @ Asshu Kumar, Son Of Late Mahendra Prasad, R/O Village- Pahal Bigha, P.S.- Kako, District- Jehananbad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Poonam Kumari, Wife Of Aashu Kumar, R/O Village- Bhagwanpur, P.S.- Belaganj, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Singh, Adv

For the Opposite Party/s : Ms. Sucheta Yadav, App

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Jehanabad Mahila P.S. Case No. 09 of 2022 registered under Sections 498A/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Two years after the informant was married to the petitioner, it is stated that he had made a demand for colour T.V and 25 lakhs for purchasing some land. On refusal, the informant has been abandoned at her parents' house. It is thereafter alleged that the petitioner has



fled away with some other female.

Learned counsel for the petitioner submits that in fact a fraud took place at the time of marriage. The petitioner's marriage was to be solemnised with someone else as per negotiation, but by deceit he was married with the informant. He has tried to reconcile with the situation, which is apparent from the fact that F.I.R was lodged two years after the marriage. He is stated to be in custody since 18.07.2022. It is further submitted that, in fact, it is the informant who is not agreeable to live in matrimony with the petitioner. The petitioner is still ready to settle grievance of the informant amicably. Investigation is complete.

The informant has entered appearance through a counsel. However, the counsel has not been appearing, when the matter was taken up on the last three dates. Today, again there is no representation on behalf of the informant.

The Court, therefore, is not in a position to consider whether the petitioner's offer for reconciliation is agreeable by the informant or not.

Considering the above submissions, and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
S.D.J.M., Patna in Jehanabad Mahila P.S. Case No. 09 of 2022,
subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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