

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65157 of 2022

Arising Out of PS. Case No.-604 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Ajit Kumar @ Ajeet Kumar S/o Nawal Kishor Prasad R/o Village-
Champapur Korla, P.S.- Ghorasahan, Distt- East Champaran(Motihari), at
present residing at Ambika Nagar, P.S.- Banjaria, Distt- East
Champaran(Motihari).

... .. Petitioner

Versus

1. The State of Bihar
2. Kumari Archana W/o Ajit Kumar R/o Village- Champapur Korla, P.S.-
Ghorasahan, Distt- East Champaran (Motihari).

... .. Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Turkoliya (Banjaria) P.S. Case No.604 of 2022, registered

for the offences punishable under Sections 341, 323, 307,

498A, 504 and 34 of the Indian Penal Code and Section 3/4

of Protection of Women from Domestic Violence Act-2005.

The prosecution case as emerges from the FIR is

that informant/ Kumari Archana got married to one Ajeet

Kumar on 22.11.2019. It is alleged that after some time her



husband, father-in-law and mother-in-law started assaulting her and asked her to leave their house. Furthermore, her husband got a notice for divorce served upon her and told her to state before the court that she didn't want to live with him. On 22.06.2022 at 08:00 AM her husband and in-laws tried to kill her but she survived only when her landlord came to rescue.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is matrimonial discord between informant/wife and the petitioner and on account of this matrimonial discord the informant/wife has lodged this false criminal case against him. Even earlier, she has filed one complaint case Complaint Case no.72 of 2020 and two other criminal cases. He further submits that the petitioner has been languishing in jail since 22.06.2022 i.e for about 8 months.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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. Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkoliya (Banjaria) P.S. Case No.604 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 get hampered 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.

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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