

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74816 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- BARAUNI District- Begusarai

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DHIRAJ KUMAR Son of Chandrabhanu Prasad Singh Resident of Village -
Sahasraon, P.S.- Asaon, District - Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari Wife of Dhiraj Kumar Resident of Village - Sahasraon, Post and P.S.- Asaon, District - Siwan, Daughter of Rajesh Kumar, Resident of Loko Colony Gadahra, Quarter No.- 149 (Jh), P.S.- Barauni, District - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramanuj Tiwary, Adv.
For the State	:	Mr. Shantanu Kumar, APP.
For the Informant/s	:	Mr. Amrendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Barauni (Gadhara O.P.) P.S. Case No. 62 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 379 and 498(A)/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

As per the prosecution, the informant (victim) alleged that her in-laws including this petitioner (husband) physically and mentally tortured her on account of dowry demand and tried to kill her by setting her on fire.

The main submissions advanced by petitioner's counsel are that the petitioner is a government teacher and has been languishing in jail since 22.06.2022 and in between the petitioner and his wife, there are several litigations running and in following with the direction given by the Family Court, Begusarai, the petitioner is ready to pay the maintenance amount of Rs. 4,000/- per month to his wife in a maintenance case filed by the informant and there are two minor children presently living in the house of the petitioner.

Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that the petitioner has illicit relationship with another woman and he does not want to keep the informant in his company and he has also kept two minor children of the informant in his custody and there are criminal antecedents of two cases against the petitioner.

Learned APP appearing for the State has also opposed the bail prayer.

Having considered the above submissions and mainly the petitioner's custody period and also the facts that the petitioner is ready to pay the maintenance amount of Rs. 4,000/- per month to his wife as directed by the Family Court and in the present case, the investigation has been completed and the petitioner is a government employee, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barauni (Gadhara O.P.) P.S. Case No. 62 of 2022 **with further condition that** if the petitioner does not pay the maintenance amount of Rs. 4,000/- to the informant (wife) in following with the direction passed by the Family Court concerned as per his statement in his petition, then the trial Court shall take strict action against him by cancelling his bail bond.

(Shailendra Singh, J)

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