

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74405 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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Deepak Kumar, Son Of Lal Bahadur Mahto, Resident Of Village - Chauki,
P.S. - S. Kamal, District - Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Juli Kumari, Wife Of Dipak Kumar, Resident Of Village - Chauki, P.S. - S. Kamal, District - Begusarai, Presently Residing At D/O. Ghanshyam Singh, R/O. At P.O. - Pansalwa, P.S. - Beldour, District - Khagaria, Pin - 852161

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned

APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sahebpur Kamal P.S. Case No. 150 of 2023 registered for the alleged offences under Sections 341, 323, 307 and 498(A)/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is the husband of the informant and there is allegation of torture, cruelty and assault upon the informant by the petitioner and other co-accused persons. Further allegation is that the informant was assaulted with sharp weapon on the fateful day and she underwent treatment in Sadar Hospital, Begusarai.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the FIR, no motive and reason behind the occurrence have been mentioned. No specific overt act has been attributed against the petitioner and allegations are mostly general and omnibus. The injury report shows all injuries to be simple and caused by hard and blunt object which falsifies the allegation of assault by any sharp weapon. In fact, the informant herself slipped in bathroom and sustained injuries and all injuries are on left side of the face. The informant on her own left her matrimonial home and she lodged the FIR against the petitioner as well as his parents, sister and brother-in-law who have nothing to do with the informant. Despite several panchayati, the informant did not mend herself. Petitioner is in custody since 04.06.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that there is allegation of assault against the petitioner upon his wife.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



general and non-specific nature of allegation against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-IV, Begusarai/ court concerned in connection with Sahebpur Kamal P.S. Case No. 150 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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