

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72396 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- DESARI District- Vaishali

RAJNISH KUMAR S/o Mr. Uma Prasad Singh R/o Village- Gajipur, P.S.-
Desari, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv.
	:	Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP.
For the Informant/s	:	Mr. Sunil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-03-2023 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 senior counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Desari P.S. Case No. 180 of 2022 registered for the offences punishable under Sections 342, 341, 323, 354, 498(A) and 506/34 of the Indian Penal Code.

As per the prosecution, the informant (victim) alleged that this petitioner and her-in-laws physically assaulted



her and tried to kill her over non-fulfillment of dowry demand.

The main submissions advanced by petitioner's senior counsel are that the petitioner is husband of the informant and he has filed a matrimonial suit for the relief of divorce in the Court of learned Principal Judge, Family Court, Vaishali on 08.03.2022 and thereafter the informant filed the present case and the informant is living at her *Naihar* since long and the petitioner has been languishing in jail since 04.10.2022. Further submission is that as per the FIR in the year 2021, the petitioner allegedly tried to kill the informant but at the same time, she stated that she was treated at Railway Hospital on 17.09.2021 and 20.09.2021, which itself falsifies the prosecution's allegation.

Learned APP appearing for the State and learned counsel appearing for the informant have opposed the bail prayer.

Considering the aforesaid facts and mainly the petitioner's custody period and also the fact that in between the petitioner and the informant, who are husband and wife, a divorce suit is pending, 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 Desari P.S. Case No. 180 of 2022.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

