

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78246 of 2023

Arising Out of PS. Case No.-601 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Rahul Kumar S/o Ashok Chauhan R/o Village- Koniya P.S.- Khizarsarai,
Distt.- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Kabita Devi W/o Rahul Kumar, D/o Banbari Chauhan R/o Village- Amipur,
P.S- Muffasil Nawada, Distt.- Nawada.

... .. Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 Heard learned Advocate for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Complaint Case No. 601 of 2018 dated 04.09.2023, for the offence punishable under Sections 498(A), 323, 341, 504, 379 of the Indian Penal Code and Section 4 of D.P. Act.

3. It is unfortunate to note that the petitioner is languishing in jail since, 20th August, 2023.

4. In view of the series of decisions of the Hon'ble Supreme Court, in case of *Arnesh Kumar Vs. State of Bihar*, reported in *(2014) 8 SCC 273* and Cr. Appeal No. 2207 of 2023 (*Md. Asfak Alam Vs. The State of Jharkhand & Anr.*) decided



on 31.07.2023, this Court is of the view that the petitioner should be released on bail immediately.

5. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made hereinabove, the petitioner is entitled to be released on bail.

6. Accordingly, the petitioner, above-named, may be granted bail on his furnishing bail bonds in the sum of Rs. 5,000/- (Five Thousand) with one sureties of the like amount each, to the satisfaction of the learned S.D.J.M., Nawada in connection with Complaint Case No. 601 of 2018, with further condition that he must comply the conditions, namely, he would not persuade or threaten the witnesses and would be present in the court below during trial on all dates.

7. Failure on the part of the petitioner to comply with any of the above directions will entail the learned court below to cancel the bail without any further order.

(Bibek Chaudhuri, J)

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