

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8403 of 2024

Arising Out of PS. Case No.-40 Year-2013 Thana- MAHILA P.S. District- Nalanda

Akhilesh Prasad S/O Madan Bind R/O Village- Lala Bigha, Ps.- Noorsarai,
Dist. Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Poonam Devi W/O Akhilesh Kumar, D/O Vishambhar Prasad Village-
Suratpur, Ps. Bind, Dist. Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Raj Kishor Prasad, Advocate
For the State	:	Mr. Ramesh Chandra, APP
For the Complainant	:	NONE

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. None appears for the Opposite Party No.
2/complainant/informant.

3. The petitioner seeks bail in connection with Mahila
PS Case No. 40 of 2013 instituted for the offence under Sections
498A, 323, 341 & 34 of the Indian Penal Code.

4. As per allegation levelled in the complaint petition,
the petitioner being husband has physically and mentally
tortured and assaulted the Complaint/ O.P. No.2 on account of
non -fulfillment of the demand for dowry. The allegation has
been levelled by way of a complaint case.



5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07-10-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

6. Learned counsel for the petitioner submits that petitioner is the husband of Opposite Party No. 2/Complainant and he has never made any demand of dowry from the Opposite Party No. 2/Complainant. In fact, Opposite Party No.2/Complainant herself is not ready to live with the petitioner and she has solemnized second marriage with 'Rajesh Kumar' and enjoying her conjugal life happily. Petitioner's counsel goes on to submit that the present complaint case is an abuse of process and taking shelter of Section 498A of the IPC, the petitioner and other innocent persons have been made accused.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the submission of the petitioner's counsel that complainant has solemnized second marriage, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Mahila
Case No. 40 of 2013.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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