

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31106 of 2024

Arising Out of PS. Case No.-172 Year-2019 Thana- ATRI District- Gaya

Ajay Kumar Son of Sakaldev Yadav Village- Mad Bigha Ps- Atri District
-Gaya

... .. Petitioner/S

Versus

- 1. The State of Bihar
- 2. Sangita Devi Wife Of Ajay Kumar Resident Of Village- Madbigha, Ps- Atri, Dist- Gaya At P/A- C/O- Kameshwar Yadav, Villag- Bhandajor, Po And Ps- Roh, Dist- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar, Advocate
For the State	:	Mr.Veena Kumari Jaiswal, A.P.P.
For the Opposite Party	:	Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Atri P.S. Case No.172of 2019 registered for the alleged offences under Section 498(A)of the Indian Penal Code.

03. As per prosecution case, petitioner is husband of the informant and allegation against him is that of abusing and assaulting the informant and asking the informant to leave the house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

The petitioner did not abuse or assault the informant. The matter was referred to mediation centre but the informant did not turn up once for mediation. The allegation in the FIR about abuse and assault is not true and the present FIR has been lodged with only intention of getting some money from the petitioner which is evident from the last line of the FIR. The petitioner is driver of a private vehicle and he is taking care of his wife as well as son as the informant was staying with the petitioner off and on. The petitioner is having no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant oppose the submission made on behalf of the learned counsel for the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner for abuse and assault of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the allegation and relationship of the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/-(Rs. Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Id. J.M.1st Class, Gaya in connection with Atri P.S. Case No.172/19, subject to the condition laid down under Section

438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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