

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36223 of 2024

Arising Out of PS. Case No.-1776 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Vivek Sahni Son of Bijali Sahni R/O Vill.- Chand Parsha, P.S.- Keshariya,
Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nitu Kumari W/O Vivek Sahani R/O Vill.- Chand Parsha, Post- Bhagwatiya.
P.S.- Keshariya, Dist.- East Champaran, At present R/O Vill.- Pitchpura,
P.S.- Paroo, Dist.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Complaint Case No. 1776/2022 for the offence punishable under Sections 323, 341, 363, 498A of the Indian Penal Code read with section 4 of D.P. Act filed by the complainant, Nitu Kumari.

3. As per the prosecution story, the complainant's marriage was solemnized in the year 2016 but she was tortured for dowry and in between, the couple was also blessed with a child but as the torture continued, the case.

4. Learned counsel for the petitioner submits that pursuant to the 'Panchayati' held, all the gift materials were



returned to the lady and he is already suffering by being in custody in different other cases.

5. Learned counsel for the informant disputes the said contention and submits that subsequently, the gifted item was again returned and lived for some time which resulted into the birth of a child.

6. The disputes are there, the case has been lodged, the petitioner is already accused in other cases, he will be facing the trial, for the present, this Court deems it fit and proper and considering the fact that he is in custody since 30.11.2023, he be enlarged on bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., West Muzaffarpur, in connection with Complaint Case No. 1776/2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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