

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42223 of 2024

Arising Out of PS. Case No.-144 Year-2011 Thana- CHANPATIA District- West Champaran

Ashok Rai @ Bhutti Rai @ Ashok Ray @ Bhutti Son of Late Wakil Rai R/O
Vill.- Sirsiya Bishwash, P.S.- Chanpatia (Sirisiya), Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chanpatia (Sirisiya) P.S. FIR No. 144 of 2011 (S.C. No. 268 of 2022) dated 03.07.2011 registered for the offence/s punishable u/ss 498A, 323, 504, 506, 379 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically for non-fulfillment of demand of Rs. two lakhs as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner never demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. It is further submitted that the bail bonds of the petitioner were cancelled due to inadvertence of Pairvikar on 30.04.2013 and 28.02.2017. It is a case of second misuse of privilege of bail granted by the Hon'ble Court. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 02.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that it is case of second misuse of bail.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with S.C. No. 268 of 2022 arising out of Chanpatia (Sirisiya) P.S. FIR No. 144 of 2011, with a condition/s:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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