

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44272 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MAHILA P.S. District- Vaishali

Manjay Kumar @ Manjay Kumar Rai S/o Late Madan Rai @ Late Madan Prasad R/o Village-Kothiya, Narao (Pran Rai Ke Tola) P.S.-Awatarnagar, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Adv. Mr. Rajeev Ranjan No.II, Adv. Smt. Priyanka Kumari, Adv.
For the Opposite Party/s :		Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 7 of 2024 instituted for the offences under Sections 341, 323, 354(D), 498(A) of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 66(c), 66(d), 66(e), 67 of the I.T. Act.

3. As per prosecution case, the allegation against the petitioner/husband is of assaulting the Informant, kicked her out of her *Sasural* as also making her private photos viral in social media by creating an account on Facebook for non-fulfillment of demand of cash of rupees two lacs.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to oblique motive. The petitioner is the husband of the Informant. He submits that the Informant has herself left her matrimonial house for the reasons best known to her. He never demanded any dowry from the Informant nor tortured her in any way. He further submits that the petitioner is ready to keep the Informant with full dignity and honour but, the Informant is not ready for the same. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.03.2024 without any rhyme or reason. He further submits that from the impugned order, it appears that the matter was earlier referred to the the Mediator at Mediation Center but, the same remained failed between the parties and on query made by the learned court below, the Informant replied in negative.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and charge-sheet has also been filed against him for the offences u/s 341, 323, 354-D, 498-A, 504 & 506 of the I.P.C. and Section 3/4 of the D.P. Act as also under Section 66(c), 66(d), 66(e) and 67 of the I.T.



Act. Looking to the nature of offence alleged against the petitioner, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 P.S. Case No. 7 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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