

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55863 of 2023

Arising Out of PS. Case No.-716 Year-2018 Thana- COMPLAINT CASE District- Supaul

LALIT KUMAR SON OF DEV NARAYAN BANRIAT R/O-JAYNAGAR
BELA, P.S.-JAYNAGAR, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARCHANA KUMARI WIFE OF LALIT KUMAR R/O-JAYNAGAR
BELA, P.S.-JAYNAGAR, DISTT.-MADHUBANI. AT PRESENT
DAUGHTER OF ARUN BAHARKHAIR RESIDENT OF VILLAGE-
CHHATAPUR, P.S.-CHHATAPUR, DISTT.-SUPAUL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-04-2024 Heard learned Counsel for the petitioner, the State
and the Informant.

2. The petitioner is an accused in connection with
Complaint Case (P) No. 716 of 2018 registered for the offences
under sections 498(A), 314, 315, 323, 379 and 504 of the Indian
Penal Code lodged on 02.08.2018 by the complainant, Archana
Kumari.

3. Earlier while issuing notice to the opposite party
no. 2 on 29.08.2023, provisional bail of two months was granted
but according to learned Counsel for the petitioner, as the
requisites could not be filed in time, the petition stood dismissed
for non-compliance of the order and after restoration, it has now
come before the Court.

4. It has been contended by the learned Counsel for



the petitioner with the help of paragraph-9 that he want a happy conjugal life.

5. It is his further submission on instruction that he shall be paying Rs. 7,000/- per month to the lady, Archana Kumari as also Rs. 3,000/- to his son, Aadhar Anand for his study which shall be paid in her Bank account to be used by her exclusively by 10th of every month.

6. Further submission is that he will be going to his in-laws house to bring the wife and the son to his home within a week of coming out of the custody, if the relief is granted to him.

7. Learned Counsel for the informant, on the other hand, though made several allegation, submits that for the welfare of her child as also herself, the lady would like to live happily with him only if he does not resort to the same act for which she had to go to her parent's home.

8. Considering the aforesaid facts as also that the couple wants to live together and are blessed with a child whose future is paramount, this Court is inclined to extend him privilege of bail subject to payment of Rs. 10,000/- in the Bank Account of the lady by 10th of every months.

9. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M.-1st Class, Supaul in connection with Complaint Case (P) No. 716 of 2018, subject to the following conditions:-

(i) one of the bailor should be the family member 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/her 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 his 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 the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

