

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55651 of 2023

Arising Out of PS. Case No.-219 Year-2014 Thana- MAHILA P.S. District- Bhojpur

Sanjay Kumar Singh @ Sanjay Kumar @ Sanjay Yadav S/O Bhuneshwar
Singh R/O Village- Sarathua, Ps. Station-Udwananagar, Dist. Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Awanti Devi, W/o Sanjay Kumar Singh, D/o Dinanath Singh, At present,
R/o Village Garhaha, P.S. Udwananagar, Dist. Bhojpur at Ara.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Singh, Adv.
For the State	:	Mr.Sanjay Kumar Singh, APP
For the Informant	:	Mr. Dharmesh Kumar Shrivastava, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 13-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

2. The petitioner has earlier moved before this

Court with a prayer for anticipatory bail in Cr. Misc. No.

9256 of 2015 and vide order dated 11.03.2015, the

petitioner was granted provisional bail with certain conditions

mentioned therein but, his bail application was rejected by

the court below on the ground that the petitioner did not

comply the directions of the Hon'ble High Court as also

treated the Informant with cruelty.

3. The petitioner seeks bail in connection with



Bhojpur Mahila P.S. Case No. 219 of 2014 instituted for the offences under Sections 323, 379, 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. The accusation against the petitioner along with other accused persons is of torturing the Informant/victim for non-fulfillment of the demand of dowry.

5. The petitioner was earlier granted provisional bail by a Co-ordinate Bench of this Court vide order dated 28.08.2023 with certain conditions. Thereafter, the matter was also refereed to the Mediation and Conciliation Center but, ultimately the mediation failed. 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. He further submits that the petitioner is the husband of the Informant but, has never demanded any dowry and never assaulted or harassed the Informant. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 02.06.2023.



6. Learned A.P.P. for the State and Informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Learned counsel for the Informant submits that the complaint has been filed, the Panchayati was held and the mediation also failed. He further submits that the Informant is ready to live with the petitioner but, the petitioner is not ready for the same and the Informant has not been paid any amount to the Informant. He further submits that the Informant has also filed maintenance case being Maintenance Case No. 66 of 2015 and vide order dated 03.06.2022, the petitioner was directed to give Rs. 6,000/- per month to the Informant but, till date, not a single paisa has been given to the Informant by the petitioner. Revision has also been filed by the petitioner.

8. Considering the entire facts and circumstances of the case and taking into account the rival submissions made by the learned counsel for the parties, the provisional bail granted to the petitioner by a Co-ordinate Bench of this Court vide order dated 28.08.2023 is hereby confirmed with



the same terms and conditions as stated in the aforesaid order dated 28.08.2023. The petitioner is also directed to comply the order dated 03.06.2022 passed in Maintenance Case No. 66 of 2015.

(Rudra Prakash Mishra, J)

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